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REPORT OF THE SPECIAL CONSULTANT
ON POLICE AND OTHER SERVICES TO
THE ADMINISTRATION OF JUSTICE

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REPORT

OF THE

SPECIAL CONSULTANT

ON

POLICE AND OTHER SERVICES

TO THE

ADMINISTRATION OF JUSTICE IN ONTARIO

EMIL K. PUKACZ, SPECIAL CONSULTANT

APPOINTED BY O.C. 2055/77 DATED JULY 20, 1977

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OCTOBER 28, 1978

HONOURABLE
R. ROY McMURTRY, Q.C.
ATTORNEY GENERAL OF ONTARIO
18 KING STREET, EAST
TORONTO, ONTARIO

SIR

IN ACCORDANCE WITH MY APPOINTMENT
AS A SPECIAL CONSULTANT BY ORDER-IN-COUNCIL
2055/77, DATED THE 20TH DAY OF JULY, 1977;
AND THE TERMS OF REFERENCE CONTAINED THEREIN,
I HAVE THE HONOUR OF SUBMITTING HEREWITH, THE
FINAL REPORT OF MY STUDY AND INVESTIGATION,
WITH APPROPRIATE RECOMMENDATIONS.

RESPECTFULLY YOURS

EMIL K. PUKACZ



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TERMS OF REFERENCE

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 20th day of July, A.D. 1977.

Upon the recommendation of the Honourable the Attorney General, the Committee of Council advise that pursuant to the provisions of section 18 of The Public Service Act, R.S.O. 1970, Chapter 386, and subsection 3 of section 16 of The Public Service Superannuation Act, R.S.O. 1970, Chapter 387,

Mr. Emil K. Pukacz

a retired public servant of Ontario, be appointed, effective from the 18th day of July, 1977, for a period not exceeding six months, as a Special Consultant to study, investigate and report upon the functions, responsibilities and general and local arrangements relating to the provision of services by municipal police forces, the Ontario Provincial Police Force and other organizations or persons to the administration of justice in Ontario and to make such recommendations to the Attorney General of Ontario as he may deem fit.

The Committee further advise that notwithstanding the generality of the foregoing, the Special Consultant be required to review and assess the operational, manpower and financial aspects of the following:

- conduct of prosecutions by police officers
- provision of security and guarding prisoners within court buildings
- transportation of prisoners and escorting of juveniles and persons under warrants of committal
- assistance in the execution of committal orders and writs of execution
- preparation and serving of summonses and subpoenas

- preparation of court calendars and assisting in capacity of court clerks in Provincial Courts.
- any other matter relating to the provision of court services that might be brought to the attention of the Special Consultant during this study.

And the Committee further advise that ministries, boards, agencies and commissions concerned assist the Special Consultant to the fullest extent in order that he may carry out his duties and responsibilities.

Certified,

D. Y. Lewis,
Deputy Clerk,
Executive Council

O.C. 2055/77

The period of study was extended to October 31, 1978 by Order-in-Council number O.C. 2669/78 dated the 13th day of September, 1978.

INTRODUCTION

SIMPLY PUT, THE GOAL OF THE ONTARIO COURT SYSTEM IS TO SERVE THE PUBLIC BY PROVIDING FAIR AND JUST ADJUDICATIVE DECISIONS MADE WITHOUT DELAY AND AT REASONABLE COST AND CONVENIENCE.

TOWARDS THIS END, OUR COURTS SYSTEM PROVIDES FOR COMPLETE INDEPENDENCE OF THE COURTS FROM POLITICAL AND OTHER INFLUENCES, OUR GENERAL RULES OF TWO TO THREE-TIER APPEALS PROCEDURES, ELABORATE BAIL SYSTEM, SOPHISTICATED AND EXPENSIVE LEGAL AID PROGRAMS, COURT TRIALS OPEN TO THE PUBLIC AND THE PRESS AND LAST BUT NOT LEAST, THE FEDERAL AND PROVINCIAL BILLS OF RIGHTS. THE CITIZENS OF ONTARIO AND THEIR GOVERNMENTS MUST PROVIDE THE PUBLIC FINANCING, SKILLED AND DEDICATED MAN-POWER AND UNRESTRICTED COMMUNITY AND MORAL SUPPORT WHICH ENSURE A CONTINUOUS PRESERVATION OF OUR FREEDOMS AND CIVIL RIGHTS.

THE COURTS MUST BE MANAGED IN THE BEST INTERESTS OF THE PUBLIC AND THIS CONSIDERATION OBLIGES US TO CONSTANTLY REVIEW AND SEARCH OUT MORE EFFICIENT AND, AT THE SAME TIME, LESS COSTLY WAYS AND MEANS OF ASSISTING OUR COURTS AND LAW ENFORCEMENT AGENCIES IN FULFILLING THEIR OBJECTIVES.

THE ABSORPTION OF COMPLETE ADMINISTRATIVE AND FINANCIAL RESPONSIBILITY FOR THE ADMINISTRATION OF JUSTICE BY THE PROVINCE OF ONTARIO, WITH EFFECT FROM JANUARY 1, 1968, HAS LEFT SEVERAL EITHER UNSOLVED OR UNDEFINED ISSUES CONCERNING THE PROVISION OF SERVICES TO THE COURTS BY THE ONTARIO POLICE FORCES, OTHER GOVERNMENT DEPARTMENTS, MUNICIPAL AND PUBLICLY SUPPORTED COMMUNITY AGENCIES. THIS STATE OF AFFAIRS, AGGRAVATED CONSIDERABLY BY ECONOMIC CONDITIONS AND FISCAL AND FINANCIAL CONSTRAINTS OF THE SEVENTIES, GAVE RISE TO CONTINUOUS AND FORCEFUL DEMANDS MAINLY



BY MUNICIPALITIES AND GOVERNING POLICE AUTHORITIES THROUGHOUT THE PROVINCE FOR SUBSTANTIAL PROVINCIAL FINANCIAL AID FOR POLICING AND ALSO FOR RELIEF FROM PROVIDING SERVICES TO THE COURTS.

THE AIM OF THIS REPORT, IN LINE WITH THE TERMS OF REFERENCE BOTH GENERAL AND SPECIFIC, LISTED IN THE APPOINTING ORDER-IN-COUNCIL, IS TO EVALUATE THE EXISTING SUPPORT SERVICES TO OUR COURTS FROM OPERATIONAL, MAN-POWER AND FINANCIAL POINTS OF VIEW AND WHENEVER APPROPRIATE, ARRIVE AT BOTH FUNCTIONALLY AND ECONOMICALLY FEASIBLE AND PRACTICAL ALTERNATIVES AND SOLUTIONS WHICH WOULD RESULT IN MARKED IMPROVEMENTS IN THE ADMINISTRATION OF THE COURTS AND THEIR RELATIONSHIP WITH LAW ENFORCEMENT AND OTHER AGENCIES AT PRESENT SUPPORTING THE OPERATIONS.

IT IS A MATTER OF PURE PHILOSOPHY AND LEGAL IDEOLOGY TO CLEARLY DEFINE WHERE, UNDER OUR LAWS AND PRACTICE, THE FUNCTIONS AND RESPONSIBILITIES OF THE LAW ENFORCEMENT AGENCIES END, LEAVING THE EXCLUSIVE FIELD OF FURTHER ACTIONS TO THE INSTITUTIONS OF THE ADMINISTRATION OF JUSTICE. THERE ARE, HOWEVER, QUITE DISTINCT RESPONSIBILITIES IN THIS RELATIONSHIP WHICH ARE CARRIED OUT BY THE LAW ENFORCEMENT OR BY THE INDEPENDENT JUDICIARY AND THE ADMINISTRATION OF THE COURTS. ANY SHIFT IN SUCH RESPONSIBILITIES MUST NECESSARILY BE REFLECTED IN APPROPRIATE REDISTRIBUTION OR ADJUSTMENT IN THE FUNDING AND FINANCING OF THE ADMINISTRATION OF THE COURTS, OTHER AGENCIES AND ESPECIALLY POLICE FORCES WHOSE FUNDING HAS UNDERGONE PROFOUND CHANGES, PARTIALLY SINCE JANUARY 1, 1970, AND GENERALLY, SINCE JANUARY 1, 1972.

IN THE OPINION OF THE MAJORITY OF POLICE AUTHORITIES, THE LAW ENFORCEMENT FUNCTIONS OF THE POLICE SHOULD END AT THE TIME OF BRINGING A PERSON TO A JUSTICE EITHER THROUGH LAYING INFORMATION IF A PERSON IS NOT ARRESTED OR BY BRINGING HIM BEFORE THE JUSTICE FROM POLICE LOCK-UP OR PROVINCIAL JAIL UNDER POLICE ESCORT FOR FURTHER COURT DETERMINATION.

ONCE A PERSON APPEARS BEFORE THE COURT, POLICE RESPONSIBILITY SHOULD BE LIMITED TO:-

- (a) ASSISTING THE CROWN ATTORNEY IN FURTHER INVESTIGATION, IF NECESSARY, LAYING OF CHARGES, SETTING DATES FOR TRIAL, PROSECUTING DURING TRIAL AND ARRAIGNING CROWN WITNESSES;
- (b) APPEARING AS CROWN WITNESS IN COURT;
- (c) EXECUTING COURT ORDERS FOR APPREHENSION AND ARREST;
- (d) PROVIDING EXTRAORDINARY SECURITY TO THE JUDGES, COURT OFFICERS AND THE PUBLIC IN INSTANCES OF THREATS, VIOLENCE, DISTURBANCES, ETC. IN AND AROUND THE COURT HOUSE.

A STRONG ARGUMENT AGAINST USING POLICE OFFICERS FOR THE CONVEYANCE OF PRISONERS AND CUSTODIAL AND SECURITY DUTIES IN COURTS IS DICTATED BY SIMPLE ECONOMICS. THE ANNUAL SALARY OF A FIRST CLASS CONSTABLE, A MEMBER OF A MAJOR POLICE FORCE, AMOUNTS IN 1978 TO MORE THAN \$20,000 PER ANNUM. THIS AMOUNT SUPPLEMENTED BY FRINGE BENEFITS AND OVERTIME PAYMENTS, USUALLY MADE FOR ATTENDANCE AT COURTS, WOULD REACH AN AVERAGE COST OF \$25,000 PER ANNUM. THERE IS NO QUESTION THAT SUCH SALARY SHOULD BE PAID ONLY FOR PROFESSIONAL POLICE WORK. ROUTINE CUSTODIAL AND SECURITY SERVICES SHOULD BE PROVIDED ECONOMICALLY AND EFFICIENTLY AT A MUCH LESSER COST.

CRIMINAL CASELOAD SCHEDULES ATTACHED TO THIS REPORT (SCHEDULE V), INDICATE THAT THE NUMBER OF CHARGES LAID UNDER THE CRIMINAL CODE AND OTHER FEDERAL LEGISLATION BEFORE PROVINCIAL COURTS (CRIMINAL DIVISION) HAS INCREASED BETWEEN 1969 AND 1977 FROM 131,055 TO 355,196 OR BY 171%; CHARGES UNDER PROVINCIAL LEGISLATION INCREASED IN THE SAME PERIOD FROM 1,147,851 TO 1,625,394 OR BY 41.6%; CHARGES UNDER MUNICIPAL BY-LAWS INCREASED FROM 567,782 IN 1969 TO 1,408,021 IN 1977 OR BY 148%. THIS SITUATION DEMANDS THAT MORE PROFESSIONAL POLICE OFFICERS BE ASSIGNED TO WORK DIRECTLY WITH THE PREVENTION OF CRIME AND ITS' DETECTION AND THAT SUCH OFFICERS BE RELIEVED FROM DUTIES WHICH MAY BE PERFORMED BY OTHER PERSONNEL.

THESE REASONS COMPELLED THE AUTHOR OF THIS REPORT TO HAVE A
CLOSE CRITICAL LOOK AT:-

- (a) THE FINANCIAL AND OPERATIONAL INVOLVEMENT OF THE FEDERAL, PROVINCIAL AND MUNICIPAL GOVERNMENTS IN THE ADMINISTRATION OF JUSTICE AND THE LAW ENFORCEMENT IN THE PROVINCE OF ONTARIO;
- (b) THE STRUCTURE, FUNDING AND OPERATIONS OF THE ONTARIO COURT SYSTEM INCLUDING A FINANCIAL ANALYSIS OF SUCH OPERATIONS FOR A PERIOD OF THE LAST THREE YEARS ENDING MARCH 31, 1978;
- (c) THE FUNDING AND COST ANALYSIS OF POLICING IN ONTARIO INCLUDING ITS' OPERATIONAL ASSESSMENT FOR THE FIVE YEARS FOLLOWING THE PERIOD COVERED BY THE REPORT OF THE TASK FORCE ON POLICING IN ONTARIO.

THE EVALUATION AND OPERATIONAL ASSESSMENT OF POLICE AND OTHER SERVICES TO THE ONTARIO COURT SYSTEM WERE POSSIBLE, ONLY WITHIN THE ABOVE MENTIONED GENERAL FRAMEWORK, WHICH IN MY OPINION, WOULD CONSIDERABLY UP-DATE THE DATA PREVIOUSLY OBTAINED BY THE LAW REFORM COMMISSION STUDY OF THE ONTARIO COURTS AND THE STUDY OF THE TASK FORCE ON POLICING IN ONTARIO.

THIS REPORT IS ACCOMPANIED BY THREE VOLUMES OF FINANCIAL AND STATISTICAL SCHEDULES COMPILED FROM QUESTIONNAIRES, GOVERNMENT FINANCIAL AND STATISTICAL RECORDS AND CLOSE ESTIMATES BASED ON THE ANALYSIS OF VARIOUS OPERATIONAL, FINANCIAL AND STATISTICAL REPORTS.

IN ASSESSING THE OPERATIONS, MAN-POWER AND FINANCIAL ASPECTS OF VARIOUS SERVICES PROVIDED TO THE ONTARIO COURTS SYSTEM, I RECEIVED THE FULL CO-OPERATION AND ASSISTANCE OF SENIOR OFFICIALS OF THE MINISTRIES OF THE ATTORNEY GENERAL, COMMUNITY AND SOCIAL SERVICES, CORRECTIONAL SERVICES, SOLICITOR GENERAL INCLUDING THE ONTARIO POLICE COMMISSION, TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS, JUDICIARY AT ALL LEVELS OF OUR COURTS SYSTEM AND THE OFFICIALS AND ADMINISTRATORS OF ALL COURTS, THE ONTARIO PROVINCIAL POLICE AND ALL MUNICIPAL POLICE FORCES.

IT WOULD BE QUITE IMPOSSIBLE TO LIST ALL PERSONS AND /GOVERNMENT AND MUNICIPAL AGENCIES AND OTHER ORGANIZATIONS WHO CONTRIBUTED TO THE OUTCOME OF THIS STUDY AND PROVIDED RELEVANT INFORMATION AND ADVICE FOR THE DEVELOPMENT OF THE RECOMMENDATIONS, TO ALL OF WHOM I AM NEVERTHELESS DEEPLY GRATEFUL.

FINALLY, I WISH TO EXPRESS MY SINCERE THANKS FOR THE DEDICATION AND HARD WORK DEMONSTRATED DURING MY STUDY AND THE PRODUCTION OF THIS REPORT TO THE STAFF OF THE AUDIT SERVICES BRANCH OF THE MINISTRY OF THE ATTORNEY GENERAL WHO ACTED AS RESEARCH ASSISTANTS FOR THIS PROJECT AND ESPECIALLY TO MR. GARRY HOPE WHO WAS ASSIGNED ON A FULL-TIME BASIS TO ASSIST ME. MY THANKS ALSO TO MEMBERS OF THE ADMINISTRATIVE SERVICES OF THE MINISTRY OF THE ATTORNEY GENERAL WHO PROMPTLY PROVIDED ME WITH THE NECESSARY COMMUNICATION, PRINTING AND SUPPLY SERVICES. MY SPECIAL THANKS GO TO MRS. SANDRA ORLOWSKI, THE SECRETARY TO THE PROJECT WHO, APART FROM HER REGULAR SECRETARIAL DUTIES, DEVISED, ORGANIZED AND TYPED THE MANY COMPLICATED STATISTICAL SCHEDULES WHICH FORM AN INTEGRAL PART OF THIS REPORT.

EMIL K. PUKACZ.

OCTOBER 28, 1978.

CONCLUSIONS AND RECOMMENDATIONS - SUMMARY

THE PROVINCE OF ONTARIO, WITH ITS' CONSIDERABLE DIVERSITIES IN GEOGRAPHY, CLIMATIC CONDITIONS, CONCENTRATION OF POPULATION, INDUSTRY, NATURAL RESOURCES AND COMMERCIAL ACTIVITIES DOES NOT LEND ITSELF TO UNIFORM STANDARD ARRANGEMENTS AND PRACTICES FOR THE DELIVERY OF PUBLIC SERVICES THROUGH THE INSTITUTIONS OF THE ADMINISTRATION OF JUSTICE AND OF THE LAW ENFORCEMENT.

THEREFORE, THE CONCLUSIONS ARRIVED AT DURING THE STUDY AND THE RECOMMENDATIONS BASED ON THE FINDINGS CONTAINED IN THIS REPORT WILL REFLECT THE VARIED CONDITIONS AND CIRCUMSTANCES UNDER WHICH THE ONTARIO COURTS SYSTEM AND THE OTHER AGENCIES PROVIDING SUPPORT SERVICES TO THE COURTS MUST ENSURE A FAIR AND EQUITABLE DISPENSATION OF JUSTICE.

NEVERTHELESS, IN ATTEMPTING TO TRANSLATE MOST OBVIOUS CONCLUSIONS INTO VALID AND PRACTICAL RECOMMENDATIONS, ONE HAS TO SERIOUSLY TAKE INTO CONSIDERATION SUCH LIMITING FACTORS AS FINANCIAL CONSTRAINTS, ECONOMY AND THE FISCAL POSITION OF THE PROVINCIAL AND MUNICIPAL GOVERNMENTS.

THESE LIMITATIONS, WITH THE SIMULTANEOUS RETENTION OF IMPROVEMENT OF EFFICIENCY AND EFFECTIVENESS, CAN BE ALLEVIATED THROUGH GRADUAL RESTRUCTURING OF PROVINCIAL-MUNICIPAL FINANCING, EXTENTION OF "USERS PAY FOR SERVICES" PRINCIPLE IN RESPECT OF MUNICIPAL POLICING, DEVELOPMENT OF STANDARDS IN THE ADMINISTRATION OF THE COURTS AND OF THE POLICE FORCES, MAN-POWER REARRANGEMENTS AND THE ELIMINATION OF UNNECESSARY AND WASTEFUL PROCEDURES.

I. INHERENT RESPONSIBILITIES OF POLICE OFFICERS ACTING AS "PEACE OFFICERS" AND "CONSTABLES" IN CRIMINAL PROCEEDINGS

REFERENCE

IT IS RECOMMENDED THAT THE FOLLOWING FUNCTIONS OF POLICE OFFICERS BE CONFIRMED IF NECESSARY BY APPROPRIATE AMENDMENTS TO THE PROVINCIAL LEGISLATION AS INHERENT RESPONSIBILITIES OF THE POLICE FORCES ARISING FROM THEIR LAW ENFORCEMENT DUTIES:-

- | | |
|--|-------------|
| 1. LAYING OF INFORMATIONS IN WRITING BEFORE A JUSTICE ISSUING AND SERVING SUMMARY CONVICTION TICKETS OR NOTICES OF PROVINCIAL OFFENCES. | PAGES 40-44 |
| 2. PLACING APPREHENDED PERSONS IN A LOCK-UP, ESCORTING FOR FIRST APPEARANCE TO THE COURT AND EITHER RE-LEASING OR CONVEYING SUCH PERSONS TO A JAIL OR REGIONAL DETENTION CENTRE ACCORDING TO THE DIS-POSITION OF THE COURT. | PAGE 10 |
| 3. CONVEYING AN APPREHENDED PERSON WHO IS BELIEVED TO BE SUFFERING FROM MENTAL DISORDER TO AN APPROPRIATE INSTITUTION FOR PSYCHIATRIC EXAMINATION UNDER SECTIONS 9 AND 10 OF THE ONTARIO MENTAL HEALTH ACT. | PAGE 10 |
| 4. ESCORTING A DETAINED JUVENILE EITHER TO THE PROVINCIAL COURT (FAMILY DIVISION) FOR FIRST APPEARANCE OR, IF THE COURT IS NOT IN SESSION, TO THE NEAREST JUVENILE HOME OR OBSERVATION AND DETENTION CENTRE WHERE SUCH JUVENILE CAN BE KEPT UNDER SUPERVISION UNTIL THE FIRST APPEARANCE IN COURT. | PAGE 11 |

REFERENCE

- | | | |
|----|---|--------------------|
| 5. | CONDUCTING INVESTIGATIONS AT THE DIRECTION OF CROWN PROSECUTORS AND ASSISTING SUCH COUNSEL PRIOR TO AND DURING TRIAL BY PREPARING DOPE SHEETS, BRIEFING ON INVESTIGATIONS AND EVIDENCE COLLECTED, IDENTIFYING ACCUSED AND WITNESSES AND GENERALLY, ENSURING THAT WITNESSES ARE PRESENT AT THE TRIAL, POLICE FILES ARE COMPLETE AND IN THE APPROPRIATE COURT AND ALL CRIMINAL RECORDS ARE AVAILABLE TO THE CROWN COUNSEL. | PAGE 16 |
| 6. | ACTING AS "COURT LIASON OFFICERS" TO ASCERTAIN ON BEHALF OF THE POLICE FORCE THAT ALL PROSECUTIONS AT THE INSTANCE OF THE POLICE ARE PROPERLY SCHEDULED, CROWN COUNSEL OR OTHER PROSECUTING OFFICER IS PROPERLY BRIEFED AND SUPPLIED WITH ALL NECESSARY INFORMATION, POLICE OFFICERS AND OTHER WITNESSES ARE AVAILABLE FOR HEARINGS AND TRIALS ON TIME AND POLICE RECORDS RELATING TO COURT DISPOSITIONS ARE UPDATED IMMEDIATELY. THESE OFFICERS ACTIVELY PARTICIPATE IN NEGOTIATIONS OR HEARINGS FOR FIXING TRIAL DATES IN CRIMINAL MATTERS. | PAGE 17 |
| 7. | EFFECTING THE PERSONAL SERVICE OF ALL SUMMONSES AND SUBPOENAS IN CRIMINAL MATTERS ARISING FROM ALL COURTS HAVING CRIMINAL JURISDICTION IN ONTARIO. | PAGES 44-47 |
| 8. | EXECUTING ALL BENCH WARRANTS FOR APPREHENSION, WARRANTS OF COMMITTAL AND ALL OTHER ORDERS OF THE COURTS, DIRECTING PEACE OFFICERS OR SHERIFFS TO ARREST AND DELIVER THE APPREHENDED PERSON EITHER TO COURT OR TO A DESIGNATED PLACE OF DETENTION. | PAGES 10
AND 47 |
| 9. | EXECUTING ALL SEARCH WARRANTS ACCORDING TO THE DIRECTION OF THE COURT. | PAGE 49 |

REFERENCE

- | | |
|---|----------------------------|
| <p>10. EXECUTING DIRECTIONS OF THE DEPUTY ATTORNEY GENERAL PURSUANT TO THE PROVISIONS OF SUB-SECTION 3 OF SECTION 6 OF THE ADMINISTRATION OF JUSTICE ACT, i.e. BRINGING A PERSON CHARGED WITH AN INDICTABLE OFFENCE FROM A PLACE OUT OF OR IN ONTARIO, TO A PLACE OF TRIAL IN ONTARIO.</p> | <p>PAGES 18-20</p> |
| <p>11. EXECUTING DIRECTIONS OF CROWN ATTORNEYS PURSUANT TO THE PROVISIONS OF SUB-SECTION 1 OF SECTION 5 OF THE ADMINISTRATION OF JUSTICE ACT RESPECTING THE PROVISION OF SPECIAL SERVICES FOR THE DETECTION OF CRIME OR THE APPREHENSION OF A PERSON WHO IS BELIEVED TO HAVE COMMITTED A CRIME OF A SERIOUS NATURE.</p> | <p>PAGES 18-20</p> |
| <p>12. INSTITUTING SPECIAL SECURITY ARRANGEMENTS WHENEVER DANGEROUS OR A LARGE NUMBER OF PRISONERS HAVE BEEN BROUGHT FOR TRIAL OR WHERE THREATS, VIOLENCE, DISTURBANCES, ETC. ARE LIKELY TO OCCUR WITHIN THE COURT CONFINES OR ARE DIRECTED AGAINST JUDGES, COURT OFFICIALS, PARTIES TO THE TRIAL OR THE PUBLIC.</p> <p>THESE ARRANGEMENTS MAY BE INSTITUTED AT THE INSTANCE OF THE OFFICER IN CHARGE OF POLICE OR BY AN ORDER OF THE JUSTICE PRESIDING AT THE TRIAL.</p> | <p>PAGES 11
AND 36</p> |

II. COURT SERVICES INCONSISTENT WITH THE FUNCTIONS AND RESPONSIBILITIES OF POLICE OFFICERS

REFERENCE

IT IS RECOMMENDED THAT EFFECTIVE FROM, NOT LATER THAN APRIL 1, 1979, MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO POLICE DETACHMENTS CEASE TO CONTINUE PROVIDING THE FOLLOWING SERVICES AT COURT TRIALS OR OTHER HEARINGS AND THAT ALTERNATIVE ARRANGEMENTS BE MADE WITHIN THE ADMINISTRATION OF THE COURTS TO REPLACE POLICE OFFICERS IN THE PERFORMANCE OF THESE FUNCTIONS:-

- | | |
|--|-----------------------|
| 1. ACTING AS CROWN PROSECUTORS OF SUMMARY CONVICTION OFFENCES IN ALL PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS). | PAGES 13-14
AND 59 |
| 2. PERFORMING FUNCTIONS OF "COURT ATTENDANTS" BOTH OUTSIDE AND INSIDE THE COURT ROOMS WITH SUCH DUTIES AS CONTROLLING THE PUBLIC IN COURT CORRIDORS AND COURT ROOMS, DIRECTING PARTIES TO APPROPRIATE COURT ROOMS, EXAMINING SUMMONSES, SUBPOENAS, TRAFFIC TICKETS AND OTHER DOCUMENTS REQUIRED BY THE COURT, PREPARING COURT ROOMS FOR HEARINGS, CALLING NAMES OF PARTIES TO THE HEARINGS AND GENERALLY, ASSUMING FUNCTIONS OF COURT OFFICIALS. | PAGES 66-67 |
| 3. ACTING AS "COURT CLERKS" WHICH INCLUDES SITTING AT THE SIDE OF THE JUDGE, READING CHARGES, SWEARING IN WITNESSES, RECORDING COURT DISPOSITIONS AND IN SOME INSTANCES, SETTING UP COURT DOCKETS AND PREPARING COURT ORDERS FOR JUDGES' SIGNATURES, TRANSPORTING AND RETAINING TEMPORARY CUSTODY OF COURT FILES AND OTHER COURT DOCUMENTS AND GENERALLY, REGULATING COURT PROCEDURES. | PAGES 66-67 |

REFERENCE

4. EXECUTING DISTRESS WARRANTS UNDER THE SUMMARY
CONVICTIONS ACT AGAINST CORPORATIONS FOR NON-
PAYMENT OF FINES.

PAGES 48-49

III. CONVEYING OF PRISONERS FOR TRIAL AND CUSTODY IN COURTHOUSES

REFERENCE

THIS PROBLEM WHICH HAS BEEN A CONTROVERSIAL ISSUE BETWEEN MUNICIPAL POLICE DEPARTMENTS, THEIR GOVERNING AUTHORITIES AND THE MINISTRY OF THE ATTORNEY GENERAL FOR MANY YEARS BY REASON OF FINANCIAL AND MAN-POWER IMPLICATIONS HAS RECEIVED SPECIAL ATTENTION IN THIS STUDY. THE HIGHEST DEGREE OF EFFICIENCY AND ECONOMY WOULD BE ACHIEVED IF THE MINISTRY OF CORRECTIONAL SERVICES ASSUMES THESE RESPONSIBILITIES.

ALTHOUGH THE TRANSFER OF RESPONSIBILITIES FROM POLICE FORCES TO THE STAFF AND RESOURCES OF THE MINISTRY OF CORRECTIONAL SERVICES SHOULD BE CONSIDERED AS AN ULTIMATE GOAL IN A FAIR AND EQUITABLE PROVISION OF THIS COURT SERVICE, A GRADUAL RE-ALIGNMENT IN THE RESPECTIVE FUNCTIONS AND FINANCIAL RESPONSIBILITIES WOULD APPEAR MORE PRACTICAL AND REALISTIC.

IT IS, THEREFORE, RECOMMENDED THAT SUBJECT TO THE FUTURE FINANCIAL AND MAN-POWER REDISTRIBUTION, THE RESPONSIBILITIES FOR CONVEYING PRISONERS FOR TRIAL AND THEIR CUSTODY IN COURT CONFINES BE RE-ARRANGED AS FOLLOWS:-

1. EFFECTIVE FROM JANUARY 1, 1980, THE MINISTRY OF CORRECTIONAL SERVICES SHOULD UNDERTAKE THIS RESPONSIBILITY WITHIN THE COURTS OF THE JUDICIAL DISTRICTS OF YORK, PEEL, HAMILTON-WENTWORTH, NIAGARA NORTH, WATERLOO AND SUDBURY.

PAGES 21-28

REFERENCE

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| 2. EFFECTIVE FROM SEPTEMBER 1, 1980, THE MINISTRY OF CORRECTIONAL SERVICES SHOULD EXTEND THE SERVICES OF CONVEYING PRISONERS FOR TRIAL AND CUSTODY IN COURTS TO THE FOLLOWING CITIES AND TOWNS; BARRIE BRANTFORD, BROCKVILLE, CHATHAM, COBOURG, CORNWALL, GUELPH, LONDON, NORTH BAY, OTTAWA, OWEN SOUND, PEMBROKE, PETERBOROUGH, SARNIA, SAULT STE. MARIE, STRATFORD, THUNDER BAY, WINDSOR, FORT FRANCES, HAILEYBURY, KENORA, LINDSAY, PARRY SOUND, PERTH, L'ORIGINAL AND WALKERTON. | PAGES 21-28 |
| 3. EFFECTIVE FROM JANUARY 1, 1981, THE MINISTRY OF CORRECTIONAL SERVICES SHOULD UNDERTAKE THE RESPONSIBILITY FOR CONVEYING PRISONERS TO TRIAL AND CUSTODIAL SERVICES IN COURTS OF ALL OTHER MUNICIPALITIES IN SOUTHERN ONTARIO, NOT LISTED IN RECOMMENDATION NUMBERS 1 AND 2 ABOVE, SUBJECT, HOWEVER, TO THE APPROPRIATE REDUCTION OF CRIMINAL COURT HEARING LOCATIONS AS FURTHER RECOMMENDED. | PAGES 21-28 |
| 4. THE ONTARIO PROVINCIAL POLICE CONTINUE TO BE RESPONSIBLE FOR ESCORTING PRISONERS FOR TRIAL AND THEIR CUSTODY DURING TRIAL WITH REGARD TO ALL COURTS OTHER THAN THOSE LISTED UNDER RECOMMENDATIONS NUMBERED 1 AND 2 ABOVE, IN THE NORTHERN DISTRICTS OF ONTARIO UNTIL APPROPRIATE REDUCTION OF LOCATIONS DESIGNATED FOR CRIMINAL COURT SITTINGS IS MADE. | PAGES 21-28 |
| 5. WHENEVER MUNICIPAL POLICE DEPARTMENTS OR THE ONTARIO PROVINCIAL POLICE RETAIN THE RESPONSIBILITY FOR THE CONVEYANCE OF PRISONERS TO TRIAL AND CUSTODIAL SERVICES IN COURTS, ARRANGEMENTS SHOULD BE MADE FOR ECONOMIC REASONS TO REPLACE POLICE OFFICERS BY SPECIALLY TRAINED CUSTODIAL SERVICE STAFF TO PERFORM THESE TASKS WITHIN THE ORGANIZATION OF THE POLICE FORCE. | PAGES 21-28 |

REFERENCE

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| 6. | DURING THE ABSORPTION OF THE SERVICES INDICATED IN THIS SECTION BY THE MINISTRY OF CORRECTIONAL SERVICES, ARRANGEMENTS SHOULD BE MADE THAT CIVILIAN STAFF OF MUNICIPAL POLICE DEPARTMENTS PERFORMING THESE SERVICES PRIOR TO SUCH ABSORPTION BE GIVEN FIRST OPPORTUNITY TO BE INCORPORATED INTO THE ONTARIO PUBLIC SERVICE WITHIN THE MINISTRY OF CORRECTIONAL SERVICES. | PAGES 21-28 |
| | | |
| 7. | EFFECTIVE FROM JANUARY 1, 1979, THE MINISTRY OF CORRECTIONAL SERVICES SHOULD UNDERTAKE THE RESPONSIBILITY FOR THE PROVISION OF BOX LUNCH MEALS TO PRISONERS BROUGHT TO COURT FOR TRIAL BY POLICE FORCES AND EVENTUALLY, BY THE STAFF OF CORRECTIONAL SERVICES. THERE IS NO LEGAL OBLIGATION UPON THE ADMINISTRATION OF THE COURTS OR THE POLICE FORCES TO FINANCE THIS SERVICE TO THE INMATES. | PAGE 69 |

IV. CONTROL OF THE PUBLIC AND SECURITY IN ONTARIO
COURTS SYSTEM

REFERENCE

THIS SECTION WHICH DEALS WITH SUCH FUNCTIONS AS COURT SECURITY OFFICERS, INFORMATION OFFICERS, COURT ATTENDANTS AND NIGHT WATCHMEN IS BASED ON THE CONTENTS OF CHAPTERS 6 AND 9 OF THE REPORT AND INTER-CONNECTED WITH SECTION 2 OF THE RECOMMENDATIONS DEALING WITH "COURT SERVICES INCONSISTENT WITH THE FUNCTIONS AND RESPONSIBILITIES OF POLICE OFFICERS".

IT MUST BE CONCLUDED HERE, AGAIN, THAT SIGNIFICANT DIFFERENCES IN THE SIZE, ORGANIZATION, VOLUME AND TYPE OF OPERATIONS, FREQUENCY OF SITTINGS AND OTHER LOCAL CHARACTERISTICS OF OUR COURTS DO NOT PERMIT THE APPLICATION OF UNIFORM STANDARDS AND PRACTICES. HOWEVER, SUCH SERVICES SHOULD BE PROVIDED EVERYWHERE BY SPECIALLY TRAINED AND UNIFORMED CIVILIANS ON A FULL-TIME OR PART-TIME BASIS, DEPENDING UPON LOCAL REQUIREMENTS.

IT IS, THEREFORE, RECOMMENDED THAT:-

1. THE ONTARIO GOVERNMENT PROTECTIVE SERVICES ADMINISTERED BY THE ONTARIO PROVINCIAL POLICE BE DESIGNATED TO PROVIDE THE ABOVE MENTIONED SERVICES TO ALL COURTS LOCATED IN THE JUDICIAL DISTRICT OF YORK, POSSIBLY NOT LATER THAN JANUARY 1, 1980.

PAGES 67-68

2. BY JANUARY 1, 1981, THE ABOVE MENTIONED SERVICE BE EXPANDED BEYOND TORONTO TO UNDERTAKE THE PROVISIONS OF THESE SERVICES TO COURTS LOCATED IN:

PAGES 67-68

- JUDICIAL DISTRICT OF HAMILTON-WENTWORTH
AT HAMILTON
- JUDICIAL DISTRICT OF PEEL
AT BRAMPTON AND MISSISSAUGA
- JUDICIAL DISTRICT OF HALTON
AT MILTON, OAKVILLE AND BURLINGTON
- JUDICIAL DISTRICT OF DURHAM
AT OSHAWA AND WHITBY
- JUDICIAL DISTRICT OF HALDIMAND-NORFOLK
AT SIMCOE
- JUDICIAL DISTRICTS OF NIAGARA NORTH AND SOUTH
AT ST. CATHERINES, NIAGARA FALLS AND WELLAND
- JUDICIAL DISTRICT OF OTTAWA-CARLETON
AT OTTAWA
- JUDICIAL DISTRICT OF SUDBURY
AT SUDBURY
- JUDICIAL DISTRICT OF WATERLOO
AT KITCHENER AND CAMBRIDGE
- COUNTY OF ESSEX
AT WINDSOR
- COUNTY OF MIDDLESEX
AT LONDON
- COUNTY OF SIMCOE
AT BARRIE
- DISTRICT OF ALGOMA
AT SAULT STE. MARIE
- DISTRICT OF THUNDER BAY
AT THUNDER BAY

3. ANY FURTHER EXPANSION OF THIS SERVICE WHICH SHOULD FOLLOW ON OR AFTER JANUARY 1, 1982, SHOULD BE BASED ON LOCAL REQUIREMENTS AND DEPEND UPON VOLUME OF OPERATIONS, FREQUENCY OF COURT SITTINGS AND OTHER CRITERIA SUBSTANTIATING THE EMPLOYMENT OF YEAR-ROUND SECURITY OFFICERS ON A FULL-TIME BASIS.

PAGES 67-68

REFERENCE

4. SUBJECT TO SPECIAL CONSIDERATIONS INDICATED UNDER 3 ABOVE, ALL OTHER COURTS IN THE PROVINCE SHOULD CONTINUE WITH THE EXISTING PRACTICE OF EMPLOYING PUBLIC CONTROL AND SECURITY STAFF ON A PART-TIME BASIS UNDER CONTRACTS. WHERE HOWEVER, MEMBERS OF POLICE FORCES ARE PERFORMING THESE DUTIES AT THE PRESENT TIME, SUCH POLICE OFFICERS SHOULD BE REPLACED BY SPECIALLY TRAINED UNIFORMED CIVILIAN STAFF.

PAGES 33-39

5. POLICE OFFICERS ATTENDING COURTS IN PERFORMANCE OF THEIR DUTIES AS COURT LIAISON OFFICERS, OFFICERS ASSISTING IN PROSECUTIONS AND CROWN WITNESSES SHOULD SUPPLEMENT AND STRENGTHEN SECURITY IN THE COURTS WHENEVER REQUIRED.

PAGES 33-39

V. PROVINCIAL COURTS (FAMILY DIVISION) SPECIFIC
ISSUES

REFERENCE

CONCLUSIONS AND RECOMMENDATIONS INCLUDED IN THE FOREGOING SECTIONS I TO IV APPLY MUTATIS MUTANDIS TO THE PROVISION OF SUPPORT SERVICES TO THE PROVINCIAL COURTS (FAMILY DIVISION). HOWEVER, BY REASON OF THEIR UNIQUE JURISDICTION IN FAMILY AND JUVENILE MATTERS, SPECIAL CONSIDERATION SHOULD BE GIVEN TO THE FOLLOWING:-

1. A DETAILED COST-BENEFIT SURVEY AT THE LEVEL OF THE SUPREME, COUNTY AND FAMILY COURT SHOULD BE MADE BEFORE ANY FURTHER EXPANSION OF THE PRINCIPLE OF "UNIFIED FAMILY COURT". THE DIRECT COST OF OPERATING THE NEW COURT ROSE BETWEEN 1977 AND 1978 FROM \$386,000 TO NEARLY \$484,000 IRRESPECTIVE OF THE FACT THAT THE SALARIES OF JUDGES OF THIS COURT ARE NOW PAID BY THE FEDERAL GOVERNMENT.
2. RELIEVING MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE FROM TRANSPORTING JUVENILES FOR TRIAL AND THE CUSTODIAL SERVICES AT THE COURTS. THESE SERVICES SHOULD BE PROVIDED, EXCEPT AS INDICATED IN RECOMMENDATION I.4 BY THE STAFF OF THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES WITH THE ASSISTANCE OF THE CHILDREN'S AID SOCIETIES (AN INSTITUTION SUPPORTED 100% FROM PUBLIC FUNDS).

PAGE 51

PAGES 53-57

3. IT IS NECESSARY THAT ALL CROWN ATTORNEYS UNDERTAKE ACTIVE SUPERVISION OF ALL PROSECUTIONS CARRIED OUT IN PROVINCIAL COURTS (FAMILY DIVISION) ESPECIALLY AGAINST JUVENILES. MORE PROVINCIAL PROSECUTORS TRAINED TO APPEAR AT THE JUVENILE TRIALS SHOULD BE DESIGNATED. A POSITION OF AN "ADVISORY CROWN ATTORNEY IN JUVENILE MATTERS" BE CREATED IN THE OFFICE OF THE DIRECTOR OF CROWN ATTORNEYS. THE INCUMBENT OF THIS POSITION SHOULD BE RESPONSIBLE FOR THE CO-ORDINATION OF JUVENILE PROSECUTIONS, PROVIDE EXPERT PROFESSIONAL ADVICE IN THIS FIELD TO CROWN ATTORNEYS AND ASSISTANT CROWN ATTORNEYS AND INSTITUTE TRAINING FOR PROVINCIAL PROSECUTORS APPEARING IN THIS COURT.

VI. FEDERAL-PROVINCIAL RELATIONS IN THE ADMINISTRATION OF JUSTICE

REFERENCE

THE ADMINISTRATION OF JUSTICE, INCLUSIVE OF THE FEDERAL AND PROVINCIAL COURT SYSTEM, FEDERAL-PROVINCIAL AND MUNICIPAL POLICE SERVICES AND FEDERAL AND PROVINCIAL CORRECTIONAL AND REHABILITATION SERVICES, IS NOW A SUBJECT OF A THOROUGH SCRUTINY BY "THE NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICE". IT IS HOPED THAT IN CONCLUSION OF THIS FEDERAL-PROVINCIAL INQUIRY MOST OF THE EXISTING INEQUITIES AND MISUNDERSTANDINGS MAY BE ELIMINATED WITH ACTIVE, HIGH LEVEL PARTICIPATION OF THE MINISTRIES OF THE ATTORNEY GENERAL, CORRECTIONAL SERVICES AND OF THE SOLICITOR GENERAL.

IT IS, THEREFORE, RECOMMENDED THAT FOR THE PURPOSES OF THE TASK FORCE:-

1. THE MINISTRY OF THE ATTORNEY GENERAL:

PAGES 71-75

- (a) EVALUATE FROM BOTH OPERATIONAL AND FINANCIAL ASPECTS, THE INVOLVEMENT OF THE PROVINCIAL COURTS IN THE ENFORCEMENT OF THE LAWS WHERE THE FEDERAL GOVERNMENT EXERCISES ITS' EXCLUSIVE JURISDICTION;
- (b) EXAMINE AND ASSESS RESPECTIVE RELATIONS AND RESPONSIBILITIES IN THE FIELD OF PUBLIC PROSECUTIONS WITHIN THE PROVINCE;
- (c) INVESTIGATE AND IDENTIFY INSTANCES OF FEDERAL INTRUSIONS INTO PROVINCIAL MATTERS.

REFERENCE

2. THE MINISTRY OF CORRECTIONAL SERVICES:

PAGES 71-75

- (a) REVIEW AND DETERMINE THE RESPECTIVE FINANCIAL, MAN-POWER AND OPERATIONAL FEDERAL-PROVINCIAL RESPONSIBILITIES IN THE PRE-CONVICTION CUSTODIAL SERVICES;
- (b) DEVELOP RECOMMENDATIONS FOR THE EVENTUAL REALIGNMENT OF THE RESPECTIVE FINANCIAL AND OPERATIONS RESPONSIBILITIES IN THE FIELDS OF POST-CONVICTION CORRECTIONAL AND REHABILITATIVE ARRANGEMENTS.

3. THE MINISTRY OF THE SOLICITOR GENERAL:

PAGES 71-75

- (a) DETERMINE AND SPECIFY INEQUITIES BETWEEN THE FINANCIAL INVOLVEMENT OF THE FEDERAL GOVERNMENT IN THE PROVINCE OF ONTARIO AND THE OTHER PROVINCES WHERE THE ROYAL CANADIAN MOUNTED POLICE PERFORMS THE FUNCTIONS AND EXERCISES THE RESPONSIBILITIES OF MUNICIPAL POLICE DEPARTMENTS;
- (b) ESTABLISH THE RESPECTIVE FINANCIAL, MAN-POWER AND OPERATIONAL INVOLVEMENTS IN THE PROVINCE OF ONTARIO OF THE ROYAL CANADIAN MOUNTED POLICE, THE ONTARIO PROVINCIAL POLICE FORCE AND THE MUNICIPAL POLICE DEPARTMENTS IN THE INVESTIGATIONS, PROSECUTIONS AND OTHER ASPECTS OF THE LAWS OF CANADA WHERE THE FEDERAL GOVERNMENT EXERCISES ITS' EXCLUSIVE JURISDICTION.

VII. ONTARIO COURTS SYSTEM - CORRECTIVE MEASURESREFERENCE

PAGES 76-95

CHAPTER 11 OF THE REPORT AND THE SUPPORTING SCHEDULES CONTAINED IN VOLUME I HAVE BEEN DESIGNED TO PROVIDE THE MANAGEMENT OF THE COURTS WITH DETAILED INFORMATION WHICH SHOULD BE HELPFUL IN THE FORMULATION OF CORRECTIVE MEASURES IN THE ORGANIZATION, ALLOCATION OF RESOURCES INCLUDING FINANCE AND MAN-POWER, AND UNDER CERTAIN CIRCUMSTANCES, REDISTRIBUTION OF OPERATIONAL ACTIVITIES OF THE COURTS. APART FROM THIS GENERAL STATEMENT, THE FOLLOWING RECOMMENDATIONS SHOULD RECEIVE CAREFUL CONSIDERATION:-

1. DEVELOPMENT OF MAN-POWER STANDARDS FOR EACH COURT WITH SPECIFIC EMPHASIS UPON SUCH BASIC SERVICES AS; COURT SECURITY AND THE CONTROL OF THE PUBLIC BY SPECIALLY TRAINED CIVILIAN EMPLOYEES, APPROPRIATE UTILIZATION OF SENIOR COURT STAFF RECEIVING SALARIES IN EXCESS OF \$20,000 PER ANNUM, CO-ORDINATION AND SUPERVISION OF THE ACTIVITIES OF THE JUSTICES OF THE PEACE AND THE CONTRACTING OF PIECE-WORK OR HOURLY PAID EMPLOYEES WHENEVER THIS IS MORE ECONOMIC BY REASON OF IRREGULARITY OF COURT SITTINGS, FLUCTUATIONS IN THE VOLUME OF WORK OR OTHER CIRCUMSTANCES.

PAGE 88

REFERENCE

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| 2. | PLACEMENT OF THE ADMINISTRATION OF SMALL CLAIMS COURTS UNDER LOCAL SUPERVISION AND DIRECTION OF COUNTY AND DISTRICT COURT CLERKS AND ABSORPTION OF FULL-TIME STAFF OF THIS COURT AS REGULAR EMPLOYEES UNDER THE PUBLIC SERVICE ACT PURSUANT TO THE PROVISIONS OF CLAUSE (aa) OF SUB-SECTION 1 OF SECTION 195 OF THE SMALL CLAIMS COURTS ACT. | PAGE 80 |
| 3. | DEVELOPMENT OF A SHORT AND LONG TERM PLAN FOR THE IMPROVEMENT AND NECESSARY ADDITIONS OF COURT HEARING ROOMS AND JUDGES CHAMBERS OR OFFICES WHICH WOULD PROVIDE PRIVACY AND DIRECT ACCESS TO COURT ROOMS. | PAGES 80-83 |
| 4. | RELOCATION OF PROVINCIAL COURT HEARING ROOMS AND OFFICES LOCATED IN LEASED PREMISES WITH INADEQUATE FACILITIES. | PAGES 80-83 |
| 5. | SUBSTANTIAL REDUCTION OF LOCATIONS WHERE CRIMINAL HEARINGS ARE HELD BY THE PROVINCIAL COURTS (CRIMINAL DIVISION) WITH SIMULTANEOUS CONVERSION OF THE EXCESS COURT ROOMS FOR THE EXCLUSIVE HEARINGS OF MINOR OFFENCES BY JUSTICES OF THE PEACE. | PAGES 80-83 |
| 6. | REVISION OF THE ONTARIO REGULATION 949/74 MADE UNDER SECTION 7 OF THE ADMINISTRATION OF JUSTICE ACT WITH A VIEW OF UPDATING THE PRESCRIBED FEES. | PAGES 31-32 |
| 7. | DETERMINATION WHETHER TARIFFS "B", "C" AND "D" OF THE RULES OF PRACTICE REPRESENTING ADMINISTRATIVE COURT FEES PAYABLE TO THE CROWN IN RIGHT OF ONTARIO SHOULD BE FIXED UNDER THE PROVISIONS OF SECTION 7 OF THE ADMINISTRATION OF JUSTICE ACT OR PURSUANT TO THE JUDICATURE ACT. | PAGES 84-85 |

8. THE APPLICATION OF FINANCIAL CONSTRAINTS IN THE ADMINISTRATION OF JUSTICE SHOULD BE CAREFULLY REVIEWED AND THE PRACTICE OF STAFF REDUCTION BASED ON A PERCENTAGE OF PAST SALARY EXPENDITURES SHOULD BE ABOLISHED. THE COURTS HAVE BEEN PREVENTED FROM FILLING VACANCIES AND DEPRIVED FROM PROVIDING ESSENTIAL SERVICES USUALLY PERFORMED BY UNCLASSIFIED STAFF.

PAGE 88

THE APPLICATION OF CONSTRAINTS IN OUR COURT SYSTEM SHOULD RATHER RESULT IN THE ELIMINATION OF SUPERFLUOUS OFFICES AND REDUCTION IN THE NUMBER OF LOCATIONS OF PROVINCIAL COURT SITTINGS IN CLOSE PROXIMITY TO EACH OTHER (e.g. MILTON, OAKVILLE AND BURLINGTON IN THE JUDICIAL DISTRICT OF HALTON, NEWMARKET AND RICHMOND HILL IN THE JUDICIAL DISTRICT OF YORK, ELMVALE, ALLISTON, BRADFORD, MIDLAND AND PENETANG IN THE COUNTY OF SIMCOE, TWO COURT OFFICERS AT CORNWALL AND MORRISBURG WITH FOUR SATELITES IN THE UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY, ETC.).

9. INTERNAL AUDIT PROGRAMS FOR THE COURTS, IN ADDITION TO FINANCIAL CONCERNS SHOULD INCLUDE THE EXAMINATION OF MAN-POWER UTILIZATION, WORKLOAD AND OFFICE SYSTEMS AND PROCEDURES.

PAGE 88

VIII. POLICING IN ONTARIO - PROVINCIAL MUNICIPAL
INTERDEPENDENCE

REFERENCE

PAGES 96-127

CHAPTER 12 OF THE REPORT SUPPLEMENTED WITH SCHEDULES CONTAINED IN VOLUMES II AND III PROVIDES A SUBSTANTIATION OF WEAKNESSES WITHIN THE STRUCTURE, FINANCING, CO-ORDINATION AND SUPERVISION OF ONTARIO MUNICIPAL POLICING. SINCE JANUARY 1, 1970, REGARDING REGIONAL MUNICIPAL POLICE DEPARTMENTS, AND SINCE JANUARY 1, 1972, WITH RESPECT TO ALL MUNICIPAL POLICE DEPARTMENTS, THESE SERVICES HAVE BEEN PROGRESSIVELY SUBSIDIZED BY THE ONTARIO GOVERNMENT THROUGH PROVINCIAL UNCONDITIONAL GRANTS. THE ANNUAL GRANTS "ON POLICING" ROSE FROM NEARLY \$15 MILLION IN 1972 TO APPROXIMATELY \$92 MILLION IN 1977, WHILE THE ANNUAL COST OF ALL SERVICES PROVIDED TO COURTS BY MUNICIPAL POLICE DEPARTMENTS SUCH AS, CONDUCTING PROSECUTIONS, TRANSPORTING PRISONERS FOR TRIAL, PROVIDING PUBLIC CONTROL AND SECURITY IN PROVINCIAL COURTS AND IN SOME INSTANCES, ASSISTING IN ADMINISTRATIVE TASKS, AMOUNTED IN 1977 TO ABOUT \$20 MILLION. THE APPLICATION OF UNCONDITIONAL GRANTS TOWARDS THE FUNDING OF MUNICIPAL POLICING, RESULTS IN CONSIDERABLE INEQUITIES BY REASON OF SUBSTANTIAL DIFFERENCES AMONG MUNICIPAL POLICE DEPARTMENTS IN THE QUALITY AND EXTENT OF SERVICES PROVIDED, THE SIZE, STANDARD AND SCOPE OF OPERATIONS AND THE DEGREE OF DEPENDENCE UPON THE EXPERT SERVICES OF THE ONTARIO PROVINCIAL POLICE, FREE OF ANY CHARGES TO THE MUNICIPALITIES. IN ORDER TO RECTIFY THE EXISTING SITUATION FROM THE FINANCIAL, MAN-POWER AND OPERATIONAL POINTS OF VIEW, CONSIDERATION SHOULD BE GIVEN TO THE FOLLOWING:-

	<u>REFERENCE</u>
1. CHANGE IN FINANCING MUNICIPAL POLICE SERVICES FROM THE SYSTEM OF UNCONDITIONAL GRANTS TO A SYSTEM OF CONDITIONAL GRANTS TO BE ADMINISTERED BY THE SOLICITOR GENERAL WHO IS RESPONSIBLE ON BEHALF OF THE ONTARIO GOVERNMENT, FOR THE STRUCTURE, EFFECTIVENESS AND EFFICIENCY OF ALL POLICE FORCES IN ONTARIO.	PAGES 103-108
2. ELIMINATION BY AMALGAMATIONS OR ABSORPTION OF MUNICIPAL POLICING BY THE ONTARIO PROVINCIAL POLICE OF ALL MUNICIPAL POLICE DEPARTMENTS NOW POLICING A POPULATION OF LESS THAN 10,000 BY DECEMBER 31, 1980, AND REVIEW THE STANDARDS OF POLICING OF MUNICIPAL POLICE DEPARTMENTS WITH RESIDENT POPULATION BETWEEN 10,000-15,000 AND TO CONSIDER REGIONALIZATION, AMALGAMATION WITH LARGER POLICE DEPARTMENTS OR ABSORPTION BY THE ONTARIO PROVINCIAL POLICE.	PAGES 109-112
3. ESTABLISHMENT OF STANDARDS OF POLICING FOR THE METROPOLITAN MUNICIPALITY OF TORONTO, REGIONAL MUNICIPALITIES, CITIES, TOWNS AND RURAL AREAS ACCORDING TO CRITERIA INDICATED IN THE REPORT.	PAGE 108
4. REVIEW OF THE POLICING UNDER CONTRACT BY THE ONTARIO PROVINCIAL POLICE TO ESTABLISH UNIFORM STANDARDS OF POLICING BY THIS FORCE AND EQUITY IN CONTRACTUAL CHARGES.	PAGE 109

REFERENCE

5. REMOVING INEQUITIES ARISING FROM FREE POLICING BY THE ONTARIO PROVINCIAL POLICE, OF OVER 600 MUNICIPALITIES REPRESENTING ABOUT 17% OF RESIDENT POPULATION OF THESE MUNICIPALITIES AND A LARGE SEGMENT OF NON-RESIDENT POPULATION, OWNERS OF INDUSTRIAL, COMMERCIAL AND RESIDENTIAL PROPERTIES WITHIN THESE MUNICIPALITIES, BY A PROGRESSIVE LEVY FROM MUNICIPAL TAXES REPRESENTING PARTIAL COST OF POLICING BY ONTARIO PROVINCIAL POLICE. SUCH LEVY HOWEVER, SHOULD ATTRACT FOR THE MUNICIPALITIES THE FOLLOWING UNCONDITIONAL MUNICIPAL GRANTS: RESOURCE EQUALIZATION, GENERAL SUPPORT AND NORTHERN ONTARIO SPECIAL SUPPORT IN LINE WITH OTHER EXPENDITURES OF THE MUNICIPALITIES FUNDED FROM MUNICIPAL REVENUE.

PAGES 109-111

6. ESTABLISHMENT WITHIN THE MINISTRY OF THE SOLICITOR GENERAL OF A POSITION OF "INSPECTOR GENERAL OF MUNICIPAL POLICE SERVICES" WITH APPROPRIATE SUPPORTING SERVICES AND STATUTORY RECOGNITION IN THE POLICE ACT TO PROVIDE PROFESSIONAL, SKILLED AND EXPERIENCED LEADERSHIP TO MUNICIPAL POLICE FORCES AND AN EFFECTIVE LIASON AND CO-ORDINATION WITH THE ONTARIO PROVINCIAL POLICE.

PAGES 112-120

IX. FINAL CONCLUSIONSREFERENCE

THIS STUDY HAS RESULTED OF NECESSITY IN AN OVERALL ASSESSMENT OF THE STRUCTURAL, OPERATIONAL AND FINANCIAL ASPECTS APPLICABLE TO THE COURTS SYSTEM AND THE POLICE SERVICES IN ONTARIO. IT WAS ALSO CONCERNED WITH THE SERVICES AND RESPONSIBILITIES OF THE MINISTRIES OF COMMUNITY AND SOCIAL SERVICES AND CORRECTIONAL SERVICES TO THE EXTENT THEY AFFECT THE FUNCTIONS AND OPERATIONS OF THE COURTS AND OF THE POLICE FORCES.

THE MOST IMPORTANT CONCLUSIONS ARRIVED AT FROM THIS INVESTIGATION ARE AS FOLLOWS:-

1. THE FINANCING OF THE DIRECT OPERATIONS AND ADMINISTRATION OF JUSTICE AT THE COURT LEVEL HAS BEEN INADEQUATE WITH REGARD TO SUCH SERVICES AS PUBLIC PROSECUTIONS, COURT SECURITY, COURT ACCOMMODATION, AND THE PROVISIONS AT ALL LEVELS OF THE COURTS ESPECIALLY IN PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) OF ADEQUATE ADMINISTRATIVE SUPPORT SERVICES OF COURT CLERKS, COURT ATTENDANTS AND THE COURT RECORDING MONITORS.

CHAPTER 11

AS A RESULT OF THESE DEFICIENCIES POLICE OFFICERS STILL CONDUCT PROSECUTIONS OF SUMMARY CONVICTIONS IN OUR COURTS; JUDGES AND JUSTICES OF THE PEACE HOLD COURTS WITHOUT COURTROOM CLERKS, USING POLICE OFFICERS IN THIS CAPACITY; SUPREME, COUNTY AND DISTRICT COURTS USE PERSONS IN EXCESS OF 70 YEARS OF AGE; THE PROVINCIAL COURTS USE HIGHLY PAID POLICE OFFICERS FOR COURT SECURITY AND AS COURT ATTENDANTS.

REFERENCE

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| 2. NO STANDARDS OF MAN-POWER DEPLOYMENT IN THE COURTS HAVE BEEN DEVELOPED TO DATE AND THIS IS REFLECTED IN SUBSTANTIAL DISCREPANCIES IN THE OPERATIONAL COSTS OF INDIVIDUAL COURTS, THE FREQUENT OVER AND UNDER STAFFING OF THE COURTS AND THE USE OF HIGHLY PAID OFFICIALS FOR SUCH TASKS AS SERVING COURT PAPERS, AND PERFORMING FUNCTIONS OF COURT ATTENDANTS. | CHAPTER 11 |
| 3. CONSIDERABLE INEQUITY IN PROVINCIAL FINANCING OF MUNICIPAL POLICE FORCES: <ul style="list-style-type: none">- IN THE PROVISION BY THE ONTARIO PROVINCIAL POLICE FORCE OF MUNICIPAL POLICING IN OVER 600 MUNICIPALITIES AT A COST OF APPROXIMATELY 56 MILLION DOLLARS WITHOUT ANY FINANCIAL PARTICIPATION OF THE MUNICIPALITIES;- IN THE ABSENCE OF THE APPLICATION OF UNIFORM POLICY WITH REGARD TO CHARGES FOR CONTRACT POLICING BY THE ONTARIO PROVINCIAL POLICE;- IN THE PROVISION OF PROVINCIAL FINANCIAL SUPPORT TO MUNICIPALITIES WITH POLICE DEPARTMENTS WITHOUT REGARD TO ANY STANDARDS OF POLICING, LEVEL OF SERVICES PROVIDED, CHARACTER OF COMMUNITIES, LEVEL OF COURT SERVICES, AND THE EXTENT OF SUPPORT FROM THE ONTARIO PROVINCIAL POLICE AND NEIGHBOURING LARGER POLICE FORCES. | CHAPTER 12 |
| 4. INEFFECTIVE OPERATIONAL AND PROFESSIONAL LEADERSHIP AND SUPERVISION OF MUNICIPAL POLICE DEPARTMENTS REFLECTED IN THE ABSENCE OF MANAGEMENT AND MAN-POWER STANDARDS, FINANCIAL CONTROL AND CO-ORDINATION. | CHAPTER 12 |

5. THE CONTINUING MAINTENANCE AND SUPPORT OF SMALL POLICE FORCES SERVING RESIDENT POPULATION OF LESS THAN 10,000 IS HIGHLY UNECONOMIC, INEFFECTIVE AND INEFFICIENT IN THE LIGHT OF PRESENT RESPONSIBILITIES AND LAW ENFORCEMENT DEMANDS. THE MAJORITY OF THESE FORCES IS INADEQUATE AND UNABLE TO PROVIDE BASIC POLICING DUTIES WITHIN THEIR JURISDICTION AND DEPEND TO A GREAT EXTENT, AND SOMETIMES ENTIRELY, UPON THE ONTARIO PROVINCIAL POLICE AND MAJOR NEIGHBOURING MUNICIPAL POLICE DEPARTMENTS IN THE PERFORMANCE OF FUNCTIONS SUCH AS CRIME INVESTIGATIONS, IDENTIFICATION, EXECUTION OF WARRANTS OF APPREHENSION, TRANSPORTATION OF PRISONERS AND, LAST BUT NOT LEAST, CRIME INTELLIGENCE.

CHAPTER 12

6. THE TRANSPORTATION OF PRISONERS FOR TRIAL AND CUSTODIAL SERVICES IN THE COURTS BY POLICE OFFICERS IS HIGHLY UNECONOMIC AND SHOULD BE CONSIDERED IMPROPER AFTER CHARGES HAVE ALREADY BEEN LAID AGAINST SUCH PRISONERS IN COURT. USUALLY THE SAME POLICE DEPARTMENT WHICH LAID THE CHARGES ESCORTS THE PRISONER, SOMETIMES, SEVERAL TIMES FOR HEARINGS AND TRIALS.

CHAPTER 5

BY REASON OF THE NECESSITY OF MAN-POWER AND FINANCIAL REALIGNMENT BETWEEN THE MINISTRY OF THE SOLICITOR GENERAL AND CORRECTIONAL SERVICES, THE ABSORPTION OF THIS SERVICE FROM POLICE BY THE MINISTRY OF CORRECTIONAL SERVICES CAN ONLY BE EFFECTED GRADUALLY WITHIN A PERIOD OF TWO TO THREE YEARS.

NEVERTHELESS, BY REASON OF GEOGRAPHY AND THE MULTIPLICITY OF SMALL CRIMINAL COURTS IN NORTHERN DISTRICTS IT WOULD BE UNECONOMICAL TO TRANSFER THIS RESPONSIBILITY FROM THE ONTARIO PROVINCIAL POLICE TO THE MINISTRY OF CORRECTIONAL SERVICES.

7. THE OBSERVATION AND DETENTION HOME SERVICE ACQUIRED BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES FROM THE MINISTRY OF THE ATTORNEY GENERAL WAS INADEQUATE AT THE TIME OF TRANSFER. THIS SERVICE REQUIRES CONSIDERABLE EXTENTION OF PRE-CONVICTION FACILITIES IN THE FORM OF CHILDREN'S HOMES AND JUVENILE OBSERVATION AND DETENTION CENTRES WITH APPROPRIATE NEW PROVINCIAL FUNDING, WHICH SHOULD ALSO TAKE INTO CONSIDERATION THE PROVISION OF TRANSPORTATION FOR CHILDREN ATTENDING TRIAL AND PLACEMENT AFTER CONVICTION. POLICE INVOLVEMENT IN TRANSPORTING CHILDREN BETWEEN DETENTION HOMES AND THE COURTS FOR TRIAL SERVICE BY POLICE SHOULD CEASE.

CHAPTER 1 - PROVISION OF SERVICES TO ONTARIO COURTS SYSTEM

THE ONTARIO COURTS HAVE DEVELOPED WITHIN THE PRESENT LEGAL PROVISIONS AND PRACTICES ARISING FROM TRADITION, CONVENIENCE, AND GENERAL AND LOCAL ARRANGEMENTS, VARIOUS METHODS FOR SECURING THE FOLLOWING SERVICES:-

1. PROSECUTING OF OFFENDERS IN INDICTABLE AND SUMMARY CONVICTION MATTERS.
2. PROVISION OF SECURITY TO JUDGES, COURT OFFICIALS AND THE PUBLIC WITHIN THE COURT BUILDINGS.
3. CONVEYING PRISONERS FOR REMANDS, BAIL HEARINGS AND TRIAL, AND GUARDING SUCH PRISONERS DURING THE HEARINGS OR TRIAL.
4. CONVEYING JUVENILES FOR HEARINGS OR TRIAL AT THE UNIFIED FAMILY COURT OR AT PROVINCIAL COURTS (FAMILY DIVISION).
5. CONVEYING OF PRISONERS TO AND FROM FEDERAL PENITENTIARIES.
6. CONVEYING OF INMATES FROM CORRECTIONAL INSTITUTIONS FOR APPEARANCE AS PLAINTIFFS, DEFENDANTS OR WITNESSES IN CIVIL OR MATRIMONIAL MATTERS.
7. CONVEYING OF PERSONS ARRESTED OUTSIDE OF ONTARIO OR OUTSIDE OF A JURISDICTION OF A POLICE FORCE TO THE JURISDICTION OF ITS' COURT.
8. PREPARATION AND TYPING OF INFORMATIONS.

9. PREPARATION AND SERVING OF SUMMONSES AND SUBPOENAS IN CRIMINAL MATTERS.
10. PROCESS SERVING IN CIVIL MATTERS.
11. SERVING OF WARRANTS OF COMMITTAL AND COLLECTION OF FINES IMPOSED UNDER PROVINCIAL AND MUNICIPAL LEGISLATION.
12. EXECUTION OF DISTRESS WARRANTS AND WRITS OF EXECUTION.
13. COURT ATTENDANCE SERVICES PERFORMED BY POLICE OFFICERS.
14. PROVISION OF ADMINISTRATIVE SERVICES TO THE COURTS BY POLICE OFFICERS (DISPATCHING OF COURT RECORDS, ESCORTING TO PAY FINES, PREPARING WARRANTS OF COMMITTAL, PROBATION ORDERS AND ACTING AS COURT CLERK).
15. SHERIFFS' AND POLICE OFFICERS' ROLE UNDER THE RULES MADE, PURSUANT TO THE FAMILY LAW REFORM ACT, 1977.
16. PROVIDING EXTRAORDINARY SECURITY TO THE JUDGES, COURT OFFICIALS AND THE PUBLIC IN INSTANCES OF THREATS, VIOLENCE, DISTURBANCES, ETC., IN AND AROUND THE COURT HOUSE.

THE STUDY REVEALED THAT:-

- (a) PROSECUTIONS OF ALL INDICTABLE OFFENCES ARE CARRIED OUT EXCLUSIVELY BY CROWN ATTORNEYS, ASSISTANT CROWN ATTORNEYS OR SPECIAL PROSECUTING COUNSEL AT ALL LEVELS OF OUR COURTS.

PROSECUTIONS UNDER SUMMARY PROCEEDINGS ARE NOW CONDUCTED MAINLY BY PROVINCIAL PROSECUTORS AND POLICE OFFICERS. IN SMALLER JURISDICTIONS, CROWN ATTORNEYS AND ASSISTANT CROWN ATTORNEYS CONDUCT ALL CRIMINAL PROSECUTIONS UNDER THE CRIMINAL CODE AND ALSO THE MAJORITY OF SUMMARY CONVICTION MATTERS.

- (b) SECURITY TO JUDGES, COURT OFFICIALS AND THE PUBLIC WITHIN THE COURT BUILDINGS IS NOW PROVIDED:-
 - (i) AT OSGOODE HALL IN TORONTO BY 8 MEMBERS OF THE ONTARIO GOVERNMENT PROTECTIVE SERVICES AND THE CORPS OF COMMISSIONAIRES.
 - (ii) AT THE COUNTY COURT HOUSE IN TORONTO BY THE CORPS OF COMMISSIONAIRES AND CIVILIAN PART-TIME SHERIFFS' OFFICERS AND COURT CONSTABLES.
 - (iii) AT THE COURT HOUSE IN LONDON BY LONDON POLICE SECURITY SERVICE SUPPLEMENTED BY PART-TIME SHERIFFS' OFFICERS AND COURT CONSTABLES.
 - (iv) AT ALL OTHER COUNTY AND DISTRICT COURTS USUALLY BY SHERIFFS' OFFICERS AND PART-TIME COURT CONSTABLES.
 - (v) AT ALL PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) BY THE ONTARIO PROVINCIAL POLICE AND MUNICIPAL POLICE OFFICERS OR SPECIAL CONSTABLES.
- (c) SINCE JANUARY 9, 1978, THE BAILIFFS OF THE MINISTRY OF CORRECTIONAL SERVICES CONVEY CONVICTED PRISONERS FROM PROVINCIAL JAILS TO FEDERAL PENITENTIARIES. PRIOR TO THAT DATE, THIS WAS DONE BY SHERIFFS AND SHERIFFS' OFFICERS.
- (d) ALL OTHER CONVEYANCE OF PRISONERS BETWEEN THE CORRECTIONAL INSTITUTIONS AND THE COURTS IS PERFORMED AT ALL COURT LEVELS BY THE ONTARIO PROVINCIAL POLICE OR MUNICIPAL POLICE DEPARTMENTS.
- (e) THE PRESENT SITUATION IN RESPECT OF ESCORTING APPREHENDED JUVENILES BY POLICE IS AS FOLLOWS:-
 - (i) IN ALL INSTANCES POLICE OFFICERS ESCORT THE JUVENILES TO THE OBSERVATION AND DETENTION CENTRES OR DIRECTLY TO THE PROVINCIAL COURT (FAMILY DIVISION) FOR FIRST APPEARANCE IF THE COURT IS IN SESSION.

- (ii) ESCORTING OF JUVENILES BETWEEN THE OBSERVATION AND DETENTION CENTRES AND THE COURTS FOR TRIAL IS DONE MAINLY BY POLICE OFFICERS. HOWEVER, IN THE JUDICIAL DISTRICT OF YORK ALL TRANSPORTATION OF JUVENILES BETWEEN THE OBSERVATION AND DETENTION CENTRE AND THE COURTS IS DONE BY THE EMPLOYEES OF THE CENTRE. THIS IS ALSO PARTLY APPLICABLE TO THE JUVENILE OBSERVATION AND DETENTION CENTRE AT HAMILTON.
- (iii) THE CONVEYING OF CONVICTED JUVENILES TO TRAINING SCHOOLS OR OTHER CORRECTIONAL INSTITUTIONS IS THE RESPONSIBILITY OF THE COURTS WHO USE OFF-DUTY POLICE OFFICERS, PROBATION OFFICERS AND OTHER PERSONS, INCLUDING COURT STAFF FOR THIS PURPOSE.
- (f) THERE IS AT PRESENT NO UNIFORMITY WITH REGARD TO THE PREPARATION AND TYPING OF "INFORMATIONS" INITIATED BY POLICE OFFICERS. IN SOME PARTS OF THE PROVINCE SUCH "INFORMATIONS", UPON ORAL DECLARATION OF POLICE OFFICERS, ARE PREPARED AND TYPED BEFORE BEING SWORN TO BY JUSTICES OF THE PEACE. IN OTHER INSTANCES, ONTARIO PROVINCIAL POLICE DETACHMENTS AND POLICE DEPARTMENTS BRING INFORMATIONS PREPARED IN WRITING TO THE JUSTICE OF THE PEACE TO BE SWORN TO AND SIGNED. STILL, IN CERTAIN COUNTIES AND DISTRICTS POLICE DEPARTMENTS AND DETACHMENTS PREPARE IN WRITING ALL "INFORMATIONS" IN CRIMINAL MATTERS UNDER THE CRIMINAL CODE AND OTHER FEDERAL LEGISLATION, LEAVING THE JUSTICE OF THE PEACE TO PREPARE AND TYPE ALL "INFORMATIONS" RELATING TO OFFENCES UNDER PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS.
- (g) PREPARATION AND SERVING OF SUMMONSES AND SUBPOENAS ISSUED BY THE SUPREME COURT OF ONTARIO AND THE COUNTY AND DISTRICT COURTS IN BOTH CIVIL AND CRIMINAL MATTERS IS BEING EFFECTED BY COUNTY COURT CLERKS AND SHERIFFS' OFFICERS. PREPARATION OF SUMMONSES AND SUBPOENAS ARISING FROM THE OPERATION OF THE PROVINCIAL COURT (CRIMINAL DIVISION) IS NOT UNIFORM AND THE PROCEDURE IS SIMILAR TO THAT AS INDICATED UNDER (f) ABOVE. ALL SUMMONSES AND SUBPOENAS OF THE PROVINCIAL COURT (CRIMINAL DIVISION) ARE NOW SERVED BY THE ONTARIO PROVINCIAL POLICE AND MUNICIPAL POLICE DEPARTMENTS.

- (h) PROCESS SERVING IN CIVIL MATTERS IS DONE BY SHERIFFS' OFFICERS WITH REGARD TO SUPREME AND COUNTY AND DISTRICT COURTS AND THE PROVINCIAL COURTS (FAMILY DIVISION) AND BY BAILIFFS IN SMALL CLAIMS COURTS.
- (i) MUNICIPAL POLICE FORCES, AS A RULE, WHILE SERVING A WARRANT OF COMMITTAL FOR UNPAID FINES IMPOSED UNDER PROVINCIAL AND MUNICIPAL LEGISLATION, COLLECT THE FINES WITH COSTS IF ANY, AT THE TIME OF SERVICE. THERE IS NO DEFINITE POLICY IN THE ONTARIO PROVINCIAL POLICE REGARDING THE COLLECTION OF FINES AND COSTS IF THE PAYMENT IS OFFERRED AT THE TIME OF SERVICE OF THE WARRANT. A WRITTEN DIRECTIVE ISSUED TO ONTARIO PROVINCIAL POLICE DETACHMENTS A NUMBER OF YEARS AGO BY A FORMER COMMISSIONER ORDERED ONTARIO PROVINCIAL POLICE OFFICERS NOT TO COLLECT FINES BUT TO TAKE A PERSON TO THE NEAREST PROVINCIAL JAIL OR A JUSTICE OF THE PEACE, WHERE THE FINE COULD BE PAID. THIS PROBLEM MAY BECOME REDUNDANT WHEN THE PROVINCIAL OFFENCES ACT BECOMES LAW IN THE PROVINCE.
- (j) DISTRESS WARRANTS UNDER PROVINCIAL LEGISLATION ARE EXECUTED BY THE SHERIFFS. THEY ALSO SERVE ALL WRITS OF EXECUTION ISSUED BY THE SUPREME AND COUNTY AND DISTRICT COURTS. DISTRESS WARRANTS ISSUED UNDER THE MUNICIPAL BY-LAWS ARE EXECUTED BY MUNICIPAL POLICE DEPARTMENTS. THERE IS NO UNIFORMITY IN THIS RESPECT THROUGHOUT THE PROVINCE AND NO CO-OPERATION AMONG MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE AS TO THE RECIPROCAL ARRANGEMENTS IN REGARD TO THE EXECUTION OF DISTRESS WARRANTS ISSUED PURSUANT TO AND UNDER MUNICIPAL BY-LAWS.
- (k) THERE IS NO STANDARD POLICY FOR PROVIDING POLICE ASSISTANCE TO SHERIFFS AND SHERIFFS' OFFICERS DURING EVICTIONS OR EXECUTIONS OR TO INDICATE THE CIRCUMSTANCES UNDER WHICH SUCH ASSISTANCE MAY BE GIVEN. AT PRESENT, THE SHERIFFS ARE REQUIRED IN EACH INSTANCE TO REQUEST SUCH ASSISTANCE FROM THE ONTARIO PROVINCIAL POLICE THROUGH THE DEPUTY SOLICITOR GENERAL.

- (1) NO ADMINISTRATIVE SERVICES ARE PERFORMED IN THE SUPREME AND COUNTY AND DISTRICT COURTS BY POLICE OFFICERS. COURT ATTENDANTS AND OTHER EMPLOYEES IN THESE COURTS ARE APPOINTED EITHER AS CLASSIFIED OR UNCLASSIFIED CIVIL SERVANTS BY THE MINISTRY OF THE ATTORNEY GENERAL. HOWEVER, IN THE MAJORITY OF PROVINCIAL COURTS BOTH CRIMINAL AND FAMILY DIVISIONS, OFFICERS OF MUNICIPAL POLICE DEPARTMENTS AND OF THE ONTARIO PROVINCIAL POLICE PERFORM THE DUTIES OF COURT ATTENDANTS BY CALLING THE PUBLIC TO THE COURT ROOMS, CALLING THE NAMES OF PARTIES AND WITNESSES AND GENERALLY KEEPING ORDER IN THE COURT ROOM. IN A NUMBER OF COURTS, POLICE OFFICERS ARE REQUIRED TO ESCORT CONVICTED PERSONS TO PAY FINES AT ADMINISTRATIVE OFFICES. IN SOME NORTHERN DISTRICTS THE ONTARIO PROVINCIAL POLICE OFFICERS ARE OFTEN REQUIRED TO TRANSPORT COURT RECORDS AND DOCUMENTS BETWEEN COURT OFFICES AND THE LOCATIONS OF COURT HEARINGS, TO PREPARE WARRANTS OF COMMITTAL AND PROBATION ORDERS FOR JUDGES' SIGNATURES AND IN A FEW INSTANCES, SIT BESIDE THE JUDGE AND ACT AS COURT CLERKS.
- (m) PURSUANT TO THE PROVISIONS OF THE RULES ISSUED UNDER THE FAMILY LAW REFORM ACT, SHERIFFS ARE REQUIRED UPON AN ORDER OF THE FAMILY COURT TO ARREST AND BRING TO COURT A PERSON WHO IN THE OPINION OF THE COURT WOULD LIKELY LEAVE THE PROVINCE TO AVOID SUPPORT PAYMENT TO HIS OR HER FAMILY.
(SECTION 24)
- (n) WHENEVER DANGEROUS PRISONERS ARE ON TRIAL IN THE SUPREME OR COUNTY OR DISTRICT COURT OR THERE IS LIKELIHOOD OF ANY VIOLENCE OR DISTURBANCE, THE SHERIFF, ON HIS OWN INITIATIVE OR ON THE ORDER OF THE COURT, REQUESTS THE PROVISION OF ADDITIONAL SECURITY FROM EITHER THE LOCAL MUNICIPAL POLICE FORCE OR THE ONTARIO PROVINCIAL POLICE. SUCH ASSISTANCE IS USUALLY GRANTED, HOWEVER, IN MANY INSTANCES MUNICIPAL POLICE DEPARTMENTS CHARGE THE PROVINCE WITH THE ACTUAL COST OF THIS SERVICE. THERE IS NO CLEAR POLICY PROVISION COVERING SUCH SITUATIONS.

ENSUING CHAPTERS PROVIDE EVALUATION, EXTENT AND COST OF THE SERVICE PRESENTLY PROVIDED. THEY ALSO DEAL WITH LEGAL IMPLICATIONS AND IN MANY INSTANCES, FEASIBLE AND PRACTICAL ALTERNATIVES WITH A VIEW OF REALIZING SAVINGS IN PUBLIC FUNDS, INCREASED EFFECIENCY AND PROVINCE-WIDE OR REGIONAL UNIFORMITY.

CHAPTER 2 - SERVICES INHERENT TO LAW ENFORCEMENT

THE MAIN FUNCTION OF POLICING IN ONTARIO, WHETHER PERFORMED BY MUNICIPAL POLICE DEPARTMENTS OR THE ONTARIO PROVINCIAL POLICE IS THE MAINTENANCE OF LAW AND ORDER IN MUNICIPALITIES AND TERRITORIES WITHOUT MUNICIPAL ORGANIZATION.

THE DUTIES AND POWERS OF MEMBERS OF MUNICIPAL POLICE FORCES ARE DEFINED BY SECTION 55 OF THE POLICE ACT AS FOLLOWS:-

55. THE MEMBERS OF POLICE FORCES APPOINTED UNDER PART II, EXCEPT ASSISTANTS AND CIVILIAN EMPLOYEES, ARE CHARGED WITH THE DUTY OF PRESERVING THE PEACE, PREVENTING ROBBERIES AND OTHER CRIMES AND OFFENCES, INCLUDING OFFENCES AGAINST THE BY-LAWS OF THE MUNICIPALITY, APPREHENDING OFFENDERS AND LAYING INFORMATIONS BEFORE THE PROPER TRIBUNAL, PROSECUTING AND AIDING IN THE PROSECUTION OF OFFENDERS, AND HAVING GENERALLY, ALL THE POWERS AND PRIVILEGES AND ARE LIABLE TO ALL THE DUTIES AND RESPONSIBILITIES THAT BELONG TO CONSTABLES.

SECTION 46 OF THE POLICE ACT DEFINES THE DUTIES OF MEMBERS OF THE ONTARIO PROVINCIAL POLICE FORCE AS FOLLOWS:-

- 46.--(1) IT IS THE DUTY OF THE MEMBERS OF THE ONTARIO PROVINCIAL POLICE FORCE, SUBJECT TO THIS ACT AND THE ORDERS OF THE COMMISSIONER,
- (a) TO PERFORM ALL DUTIES THAT ARE ASSIGNED TO CONSTABLES IN RELATION TO THE PRESERVATION OF THE PEACE, THE PREVENTION OF CRIME AND OF OFFENCES AGAINST THE LAWS IN FORCE IN ONTARIO AND THE CRIMINAL LAWS OF CANADA AND THE APPREHENSION OF CRIMINALS AND OFFENDERS AND OTHERS WHO MAY BE LAWFULLY TAKEN INTO CUSTODY;

- (b) TO EXECUTE ALL WARRANTS, PERFORM ALL DUTIES AND SERVICES THEREUNDER OR IN RELATION THERETO THAT MAY, UNDER THE LAWS IN FORCE IN ONTARIO, BE LAWFULLY EXECUTED AND PERFORMED BY CONSTABLES;
- (c) TO PERFORM ALL DUTIES THAT MAY BE LAWFULLY PERFORMED BY CONSTABLES IN RELATION TO THE ESCORT AND CONVEYANCE OF CONVICTS, OTHER PRISONERS AND MENTALLY INCOMPETENT PERSONS TO AND FROM ANY COURTS, PLACES OF PUNISHMENT OR CONFINEMENT, HOSPITALS OR OTHER PLACES; AND
- (d) GENERALLY, TO PERFORM SUCH DUTIES AS ARE FROM TIME TO TIME ASSIGNED TO THEM BY THE COMMISSIONER.

(2) EXCEPT UNDER AN AGREEMENT ENTERED INTO UNDER SECTION 62, THE ONTARIO PROVINCIAL POLICE FORCE SHALL NOT BE CHARGED WITH ANY DUTIES UNDER OR IN CONNECTION WITH ANY MUNICIPAL BY-LAWS.

ALTHOUGH THE PROVISIONS OF THE ABOVE QUOTED SECTION 46 ARE MORE EXPLICIT THAN THOSE INDICATED IN SECTION 55, BOTH SECTIONS UNDERLINE, AS BASIC RESPONSIBILITIES OF THESE LAW ENFORCEMENT AGENCIES, THE PRESERVATION OF THE PEACE, PREVENTION OF CRIME, APPREHENSION OF OFFENDERS AND GENERALLY, THE MAINTENANCE AND ENFORCEMENT OF LAW AND ORDER WITHIN A MUNICIPALITY OR TERRITORY. SECTION 55, IN ADDITION TO THE ABOVE MENTIONED COMMON ELEMENTS IN BOTH SECTIONS, UNDERLINES AS A DUTY OF MEMBERS OF MUNICIPAL POLICE FORCES "PROSECUTING AND AIDING IN THE PROSECUTION OF OFFENDERS". THIS ASPECT, HOWEVER, IS SUBJECT TO MORE DETAILED COMMENTS IN THE NEXT CHAPTER.

IT IS CONSIDERED, THAT APART FROM THE GENERALITY OF THE ABOVE MENTIONED STATEMENTS, THE FOLLOWING ACTIONS OF THE ONTARIO POLICE FORCES SHOULD BE CONSIDERED AS PURE POLICE FUNCTIONS AND RESPONSIBILITIES, ARISING FROM THE PRINCIPAL OBJECTIVES FOR THEIR EXISTENCE:-

1. LAYING OF INFORMATIONS BEFORE A JUSTICE OF THE PEACE WHENEVER, ON THE BASIS OF HIS OBSERVATION OR OTHER KNOWLEDGE, THE OFFICER HAS A REASONABLE AND PROBABLE GROUND TO BELIEVE THAT A CRIME OR OFFENCE WAS OR IS TO BE COMMITTED.
2. CONVEYING AN ARRESTED OR DETAINED PERSON TO A POLICE LOCK-UP OR THE NEAREST PROVINCIAL JAIL PRIOR TO THE FIRST APPEARANCE BEFORE A JUSTICE OF THE PEACE OR THE JUDGE. CONVEYING SUCH PERSON OR PERSONS TO THE COURT AND UPON REMAND, BACK TO THE JAIL OR OTHER INSTITUTION. THIS PROCEDURE AND RESPONSIBILITY APPLIES ALSO TO CONVEYING A PERSON WHO IS BELIEVED TO BE SUFFERING FROM MENTAL DISORDER UNDER SECTIONS 9 AND 10 OF THE MENTAL HEALTH ACT. UNDER SUCH CIRCUMSTANCES, THE CONVEYANCE MAY BE MADE DIRECTLY TO AN APPROPRIATE PLACE WHERE HE OR SHE MAY BE DETAINED FOR MEDICAL EXAMINATION. CONVEYING OF A PERSON IN CUSTODY FOR MENTAL TREATMENT OR EXAMINATION UNDER SECTIONS 14 AND 15 OF THE MENTAL HEALTH ACT, WILL BE A SUBJECT FOR FURTHER DISCUSSION IN THE ENSUING CHAPTERS OF THIS REPORT.
3. EXECUTING ALL WARRANTS OF COMMITTAL ISSUED UNDER THE PROVISIONS OF THE CRIMINAL CODE OF CANADA AND OTHER FEDERAL AND PROVINCIAL LEGISLATION BY ARRESTING THE PERSON, BRINGING HIM FROM CUSTODY BEFORE THE COURT AND UPON THE COURT DECISION OF INITIAL REMAND OR OTHER DECISION FOR INCARCERATION (e.g. ESCAPED CONVICT) TRANSPORT HIM BACK TO THE NEAREST PROVINCIAL JAIL.

NOTE: IN SOME INSTANCES, JUSTICES OF THE PEACE OR JUDGES DIRECT ORDERS FOR ARREST OR WARRANTS OF COMMITTAL TO SHERIFFS. THESE COURT OFFICIALS HAVE NEITHER FACILITIES NOR MAN-POWER TO EFFECT ARREST AND CONVEY PERSONS IN CUSTODY AND, THEREFORE, ANY SUCH ORDER OR WARRANT SHOULD BE UNDERSTOOD AS DIRECTED TO ALL PEACE OFFICERS PERFORMING POLICING FUNCTIONS IN ONTARIO.

4. ESCORTING A DETAINED JUVENILE TO AN OBSERVATION AND DETENTION CENTRE IF SUCH CENTRE IS LOCATED IN THE COUNTY OR DISTRICT WITHIN WHICH THE POLICE DEPARTMENT OR ONTARIO PROVINCIAL POLICE DETACHMENT HAS JURISDICTION AND/OR FOR FIRST APPEARANCE BEFORE THE PROVINCIAL COURT (FAMILY DIVISION). IF THE DECISION OF THE COURT FOLLOWING SUCH FIRST APPEARANCE REQUIRES FURTHER DETENTION, THE ESCORTING POLICE SHOULD RETURN THE JUVENILE TO THE CENTRE. CHAPTER 8 OF THIS REPORT DEALS WITH TRANSPORTING OF JUVENILES BETWEEN DIFFERENT JURISDICTIONS AND FOR COURT HEARINGS FOLLOWING THE FIRST APPEARANCE.
5. BY REASON OF THE PRIMARY RESPONSIBILITY OF THE POLICE TO PRESERVE PEACE WITHIN A MUNICIPALITY OR TERRITORY, THE POLICE DEPARTMENT OR THE ONTARIO PROVINCIAL POLICE DETACHMENT HAVING POLICE JURISDICTION IN THE LOCATION WHERE THE COURT IS HELD HAS AN OBLIGATION TO INSTITUTE SPECIAL SECURITY ARRANGEMENTS WHENEVER DANGEROUS OR A LARGE NUMBER OF PRISONERS HAVE BEEN BROUGHT FOR TRIAL OR WHENEVER THREATS, VIOLENCE, DISTURBANCES, ETC., ARE LIKELY TO OCCUR WITHIN THE COURT CONFINES. THIS APPLIES TO ALL LEVELS OF COURTS HAVING JURISDICTION IN ONTARIO. POLICY CONSIDERATION FOR THE PROVISION OF THIS SERVICE IS DISCUSSED IN CHAPTER 6 ENTITLED "PHYSICAL SECURITY IN THE ONTARIO COURT SYSTEM".

IN ADDITION TO POLICE FUNCTIONS AND RESPONSIBILITIES ENUMERATED IN THIS CHAPTER, THERE ARE OTHER ASPECTS OF THE LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE WHERE THE DIVISION OF FUNCTIONS BETWEEN THE COURTS, LAW ENFORCEMENT AND OTHER AGENCIES MUST BE CLEARLY DELINEATED. CONSIDERATION HAS ALSO BEEN GIVEN IN THIS REPORT TO THE FISCAL AND FINANCIAL RESPONSIBILITIES OF THE COURTS AND OTHER AGENCIES INCLUDING POLICE FORCES WITH REGARD TO CERTAIN ASPECTS OF SUCH FUNCTIONS.

CHAPTER 3 - PROSECUTIONS IN THE ONTARIO COURTS SYSTEM

THE "PROSECUTOR" HAS BEEN DEFINED AS FOLLOWS:

IN THE CRIMINAL CODE OF CANADA, s.2 "IN THIS ACT
"PROSECUTOR" MEANS

THE ATTORNEY GENERAL OR, WHERE THE ATTORNEY
GENERAL DOES NOT INTERVENE, MEANS THE PERSON
WHO INSTITUTES PROCEEDINGS TO WHICH THIS ACT
APPLIES, AND INCLUDES COUNSEL ACTING ON BE-
HALF OF EITHER OF THEM";

UNDER PART XXIV OF THE CRIMINAL CODE - SUMMARY CONVICTION
PROCEEDINGS, s.720 (1) "IN THIS PART "PROSECUTOR" MEANS
AN INFORMANT OR THE ATTORNEY GENERAL OR THEIR
RESPECTIVE COUNSEL OR AGENT";

UNDER THE PROPOSED PROVINCIAL OFFENCES ACT, 1978, s.1 (1)
"IN THIS ACT (g) "PROSECUTOR" MEANS
THE ATTORNEY GENERAL OR, WHERE THE ATTORNEY
GENERAL DOES NOT INTERVENE MEANS THE PERSON
WHO INSTITUTES PROCEEDINGS TO WHICH THIS ACT
APPLIES AND INCLUDES COUNSEL OR AGENT ACTING
ON BEHALF OF EITHER OF THEM".

"THE ATTORNEY GENERAL," ACCORDING TO THE DEFINITION OF THE
CRIMINAL CODE MEANS

THE ATTORNEY GENERAL OR SOLICITOR GENERAL OF
A PROVINCE IN WHICH PROCEEDINGS ARE TAKEN AND
THE ATTORNEY GENERAL OF CANADA IN PROCEEDINGS
INSTITUTED AT THE INSTANCE OF THE GOVERNMENT OF
CANADA AND CONDUCTED BY OR ON BEHALF OF THAT
GOVERNMENT IN RESPECT OF A VIOLATION OF OR
CONSPIRACY TO VIOLATE ANY ACT OF THE PARLIAMENT
OF CANADA OR A REGULATION MADE THEREUNDER,
OTHER THAN THE CRIMINAL CODE OF CANADA.

ACCORDING TO THESE PROVISIONS, THE ATTORNEY GENERAL OR THE PERSON WHO INSTITUTES PROCEEDINGS IN RESPECT OF AN INDICTABLE OFFENCE MUST BE REPRESENTED BY A COUNSEL IF EITHER OF THEM DOES NOT CONDUCT THE PROSECUTION PERSONALLY.

UNDER THE SUMMARY CONVICTION PROCEEDINGS, PERSONS INSTITUTING PROCEEDINGS IF THEY DO NOT ACT PERSONALLY MAY BE REPRESENTED BY A COUNSEL OR AN AGENT AND THE LATTER DOES NOT NEED TO BE A MEMBER OF THE BAR. THIS PROVISION ALLOWS AN "INFORMANT" WHO IN MOST INSTANCES IS A POLICE OFFICER, TO CONDUCT PROSECUTIONS.

THE DEFINITION OF A PROSECUTOR UNDER THE PROVINCIAL OFFENCES ACT REPRESENTS AN EXPANDED VERSION OF THE DEFINITION CONTAINED IN s.720 OF THE CRIMINAL CODE OF CANADA WITH THE EMPHASIS ON A COUNSEL OR AGENT ACTING ON BEHALF OF EITHER THE ATTORNEY GENERAL OR ANOTHER PERSON WHO INSTITUTES PROCEEDINGS.

UNDER THE PROVISIONS OF SECTION 55 OF THE POLICE ACT, THE DUTIES OF MEMBERS OF MUNICIPAL POLICE FORCES INCLUDE "PROSECUTING AND AIDING IN THE PROSECUTING OF OFFENDERS".

THE ABOVE MENTIONED LEGAL PROVISIONS DO NOT EXCLUDE POLICE OFFICERS FROM CONDUCTING PROSECUTIONS WITH REGARD TO OFFENCES FALLING UNDER PART XXIV OF THE CRIMINAL CODE - SUMMARY PROCEEDINGS OR THOSE WHICH WILL FALL UNDER PROVINCIAL OFFENCES PROCEDURES.

UNDER PRESENT LAW, THE UNILATERAL DECISION OF THE METROPOLITAN TORONTO BOARD OF COMMISSIONERS OF POLICE UNDERTAKEN ON MAY 12th, 1977, TO WITHDRAW PROSECUTING SERVICES OF POLICE OFFICERS IN THE COURTS OF METROPOLITAN TORONTO, EFFECTIVE DECEMBER 31st, 1977, WOULD BE CONTRARY TO THE PROVISIONS OF SECTION 55 OF THE POLICE ACT.

WE SHOULD, HOWEVER, CONSIDER THE USE OF THE MEMBERS OF POLICE FORCES AS PROSECUTORS WITHIN THE BASIC MAXIM OR PRINCIPLE THAT "JUSTICE HAS NOT ONLY TO BE DONE, BUT ALSO SEEM TO BE DONE". THE GOVERNMENT OF ONTARIO HAS BEEN PLANNING FOR THE LAST SEVERAL YEARS THE WITHDRAWAL OF POLICE FROM PROSECUTING OFFENCES IN OUR COURTS. BY THE CROWN ATTORNEYS AMENDMENT ACT, 1973, (NO. 2) CHAPTER 134, "THE ATTORNEY GENERAL MAY BY ORDER AUTHORIZE PERSONS APPOINTED UNDER THE PUBLIC SERVICE ACT TO BE PROVINCIAL PROSECUTORS AND A PROVINCIAL PROSECUTOR MAY BE A PERSON WHO IS NOT A MEMBER OF THE BAR". PURSUANT TO THESE PROVISIONS, 36 PROVINCIAL PROSECUTORS HAVE BEEN APPOINTED TO DATE AND PLACED IN 16 COUNTIES AND DISTRICTS OF THE PROVINCE INCLUDING THE JUDICIAL DISTRICT OF YORK, WHERE 12 SUCH LAY PROSECUTORS NOW OPERATE. THIS NUMBER IS INSUFFICIENT AND IN ORDER TO REPLACE POLICE PROSECUTORS IN OUR COURTS BY PROVINCIAL PROSECUTORS, THE ABOVE MENTIONED NUMBER SHOULD BE INCREASED BY AT LEAST 58 ADDITIONAL PERSONS TO 94. THE TOTAL COST OF THIS ADDITION WOULD AMOUNT TO APPROXIMATELY \$1,500,000 AT PRESENT SALARY LEVELS, INCLUSIVE OF FRINGE BENEFITS OF EXISTING PROVINCIAL PROSECUTORS.

ACCORDING TO QUESTIONNAIRES COMPLETED BY ALL POLICE FORCES IN THE PROVINCE (EXCEPTING THE ROYAL CANADIAN MOUNTED POLICE) THE DIRECT COST OF PROSECUTING MINOR OFFENCES TO THE MUNICIPAL POLICE FORCES AND THE ONTARIO PROVINCIAL POLICE AMOUNTED TO \$1,791,216 IN 1977. IN ADDITION, POLICE TRIAL CO-ORDINATORS SPENT AT LEAST 25% OF THEIR TIME IN COURT IN PROSECUTING MINOR OFFENCES. THIS WOULD ADD APPROXIMATELY \$501,000 ANNUALLY TO THE SPECIFIC COST MAKING A TOTAL OF \$2,292,216. (SCHEDULE 13, VOLUME III, PAGE 197).

IN THE OPINION OF THE AUTHOR OF THIS REPORT, PROSECUTIONS BY POLICE OFFICERS SHOULD CEASE, POSSIBLY PRIOR TO THE ENACTMENT OF THE PROVINCIAL OFFENCES ACT. THE IMPLEMENTATION OF THIS SUGGESTION WOULD INCREASE THE DIRECT COST OF OPERATING THE ONTARIO COURTS SYSTEM BY LESS THAN 2% OF THE 1977/78 ACTUAL EXPENDITURE.

ATTORNEY GENERAL'S PROSECUTING TEAM

THE PROFESSIONAL PROSECUTING STAFF OF THE MINISTRY OF THE ATTORNEY GENERAL CONSISTS OF THE FOLLOWING:

ASSISTANT DEPUTY ATTORNEY GENERAL AND DIRECTOR OF CRIMINAL LAW	1
DEPUTY DIRECTOR OF CRIMINAL LAW AND DIRECTOR OF CROWN ATTORNEYS AND HIS STAFF	4
CROWN LAW OFFICE - CRIMINAL (SPECIAL PROSECUTORS)	22
CROWN ATTORNEYS (3 PART-TIME)	48
DEPUTY CROWN ATTORNEYS	4
ASSISTANT CROWN ATTORNEYS	<u>139</u>
	<u>218</u>
NON-LEGAL PROVINCIAL PROSECUTORS	<u>36</u>

THE TOTAL DIRECT COST OF THE CROWN ATTORNEYS SYSTEM INCLUDING SPECIAL PROSECUTORS AMOUNTS TO 15.1% OF THE TOTAL DIRECT OPERATING COSTS OF OUR COURTS FOR 1977/78 (SCHEDULE 1, VOLUME I, PAGE 1). INCLUDED IN THESE COSTS IS REMUNERATION OF PART-TIME ASSISTANT CROWN ATTORNEYS. THE NUMBER OF PRIVATE LAWYERS ACTING FROM TIME TO TIME AS PART-TIME ASSISTANT CROWN ATTORNEYS IS APPROXIMATELY 280 AND THE FEES AND EXPENSES OF THIS GROUP AMOUNTED IN 1975/76 TO \$952,541, IN 1976/77 TO \$959,641 AND IN 1977/78 TO \$1,023,344.

POLICE ASSISTANCE TO CROWN ATTORNEYS

WITH VERY FEW INSTANCES OF PRIVATE PROSECUTIONS IN CRIMINAL MATTERS, THE BULK OF PROSECUTIONS ARISES FROM CHARGES LAID BY MEMBERS OF POLICE FORCES RESPONSIBLE FOR THE ENFORCEMENT OF THE LAW. THE PRIME RESPONSIBILITIES OF PROSECUTING COUNSEL INCLUDING CROWN ATTORNEYS AND ASSISTANT CROWN ATTORNEYS ARE TO EXAMINE INFORMATIONS, EVIDENCE, DEPOSITIONS AND OTHER PAPERS CONNECTED WITH OFFENCES AND CONDUCT ON BEHALF OF THE CROWN PROSECUTIONS FOR INDICTABLE OFFENCES. OTHER DUTIES INVOLVE OVERSEEING AND FROM TIME TO TIME CONDUCTING PROSECUTIONS IN RESPECT OF ANY OFFENCES PUNISHABLE ON SUMMARY CONVICTION, SUPERVISION OF PROSECUTIONS CARRIED OUT BY PROVINCIAL PROSECUTORS AND MEMBERS OF POLICE FORCES AND LAST BUT NOT LEAST, MONITORING CASES CONDUCTED BY PRIVATE PROSECUTORS.

ACCORDING TO THE QUESTIONNAIRES COMPLETED BY MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE, THE INVOLVEMENT OF MEMBERS OF POLICE FORCES IN THE PREPARATION OF DOPE SHEETS, CONDUCTING ADDITIONAL INVESTIGATIONS AND ASSISTING CROWN ATTORNEYS IN TRIALS TOOK IN 1977, ABOUT 479,000 POLICE MAN-HOURS AT A COST OF APPROXIMATELY \$7,700,000. (SCHEDULE 13, VOLUME III, PAGE 197). THIS REPRESENTS 1.56% OF THE TOTAL EXPENDITURE ON THE ONTARIO POLICE FORCES IN 1977, AMOUNTING TO \$491,848,000. THIS POLICE FUNCTION OF PROVIDING INVESTIGATIONS AND INVESTIGATIVE MATERIAL TO CROWN ATTORNEYS FOR PROSECUTION REPRESENTS ONE MORE POLICE FUNCTION WHICH IS INHERENT TO LAW ENFORCEMENT. IN THIS CLIENT-COUNSEL RELATIONSHIP BETWEEN THE POLICE AND PUBLIC PROSECUTORS, THE CLIENT BEARS THE EXPENSES OF INVESTIGATION AND ASSISTING PROSECUTORS AND THE MINISTRY OF THE ATTORNEY GENERAL PROVIDES FUNDS TO PAY REMUNERATION AND OTHER EXPENSES OF THE PROSECUTING COUNSEL.

APART FROM DIRECTLY ASSISTING CROWN ATTORNEYS IN PROSECUTIONS, MUNICIPAL POLICE DEPARTMENTS, THE ONTARIO PROVINCIAL POLICE AND THE ROYAL CANADIAN MOUNTED POLICE MAY PROVIDE "POLICE LIAISON OFFICERS" OR "TRIAL CO-ORDINATING OFFICERS" ON A YEAR-ROUND, PART-TIME OR AD-HOC BASIS TO ENSURE THAT IN POLICE INDUCED PROSECUTIONS:

- WITNESSES ARE PRESENT AT THE TRIAL;
- POLICE FILES ARE COMPLETE AND IN THE APPROPRIATE COURTS;
- CRIMINAL RECORDS ARE AVAILABLE, COURT DATES ARE MUTUALLY ARRANGED AND OTHER MATTERS RELATED TO THE POLICE FORCES INTEREST ARE IN ORDER.

IN ADDITION TO THESE FUNCTIONS, THESE OFFICERS RECORD COURT DISPOSITIONS FOR THE SOLE USE OF THE POLICE FORCES AND MAKE ARRANGEMENTS FOR FUTURE HEARINGS.

IN MANY INSTANCES, THESE OFFICERS ALSO CONDUCT PROSECUTIONS OF MINOR OFFENCES ON BEHALF OF THE POLICE FORCE. THIS ASPECT OF THEIR FUNCTION HAS BEEN ESTIMATED AT ABOUT 25% OF THE OVERALL COST OF APPROXIMATELY \$2,000,000 (SCHEDULE 13, VOLUME III, PAGE 197).

THIS POLICE FUNCTION IS NECESSARY FOR THE PROPER OPERATION OF THE POLICE FORCE WITHIN ITS STATUTORY FUNCTION OF THE ENFORCEMENT OF THE LAW AND, THEREFORE, SHOULD ALSO BE CONSIDERED AS ONE OF THE RESPONSIBILITIES INHERENT IN POLICE WORK.

POLICE INVOLVEMENT, INCLUDING PROSECUTIONS, IN THE OPERATIONS OF THE PROVINCIAL COURTS (FAMILY DIVISION) IS THE SUBJECT OF A SEPARATE DISCUSSION IN CHAPTER 8. HOWEVER, COST FIGURES INCLUDED IN SCHEDULE 13, VOLUME III, PAGES 197-215 INCLUDE THE COST OF THE PROSECUTIONS IN THESE COURTS.

CHAPTER 4 - APPREHENSION AND CONVEYANCE OF ARRESTED PERSONS AT
THE DIRECTION OF THE DEPUTY ATTORNEY GENERAL AND/OR
CROWN ATTORNEY

THE ADMINISTRATION OF JUSTICE ACT, R.S.O. 1970, CHAPTER 6
(AS AMENDED) CONTAINS IN SECTIONS 5 AND 6 THE FOLLOWING
PROVISIONS:-

- 5.--(1) "WHERE, IN THE OPINION OF THE CROWN ATTORNEY, SPECIAL SERVICES ARE NECESSARY FOR THE DETECTION OF CRIME OR THE CAPTURE OF A PERSON WHO IS BELIEVED TO HAVE COMMITTED A CRIME OF A SERIOUS CHARACTER, HE MAY AUTHORIZE AND DIRECT ANY PERSON TO PERFORM SUCH SERVICE, AND SHALL CERTIFY UPON THE ACCOUNT TO BE RENDERED BY THE CONSTABLE OR OTHER PERSON WHAT HE CONSIDERS TO BE A REASONABLE ALLOWANCE TO BE PAID TO THE PERSON EMPLOYED, AND THE AMOUNT SO CERTIFIED SHALL BE PAID TO SUCH PERSON OUT OF THE MONEYS APPROPRIATED BY THE LEGISLATURE FOR THE ADMINISTRATION OF JUSTICE".
- 6.--(3) "WHERE THE DEPUTY ATTORNEY GENERAL IS OF THE OPINION THAT IT IS ADVISABLE TO BRING A PERSON CHARGED WITH AN INDICTABLE OFFENCE FROM A PLACE OUT OF OR IN ONTARIO TO THE PLACE OF TRIAL IN ONTARIO, HE MAY DIRECT THAT SUCH BE DONE AND IN EVERY SUCH CASE THE EXPENSES INCURRED IN CARRYING OUT THE DIRECTION SHALL BE PAID OUT OF THE MONEYS APPROPRIATED BY THE LEGISLATURE FOR THE ADMINISTRATION OF JUSTICE".

THE ORDERS ARISING FROM THE PROVISIONS OF SUBSECTION 1 OF SECTION 5 AND SUBSECTION 3 OF SECTION 6 RESPECTIVELY ARE USUALLY DIRECTED BY THE CROWN ATTORNEY OR BY THE DEPUTY ATTORNEY GENERAL THROUGH A CROWN ATTORNEY TO THE RESPECTIVE ONTARIO POLICE FORCES FOR EXECUTION. IT IS OBVIOUS THAT APPROPRIATE ALLOWANCES AND THE REIMBURSEMENT OF EXPENSES CAN ONLY BE PAID IF APPROPRIATE DIRECTIONS HAVE BEEN CLEARLY GIVEN. ANY ACTION NOT PROPERLY

AUTHORIZED IN THIS RESPECT (UNLESS POST-FACTUM CONFIRMED IN EMERGENCY SITUATIONS) IS NOT SUBJECT TO ANY ALLOWANCE OR REIMBURSEMENT BY THE PROVINCE THROUGH THE MINISTRY OF THE ATTORNEY GENERAL.

THE PROVISIONS OF THE ONTARIO REGULATION 949/74 MADE UNDER THE ADMINISTRATION OF JUSTICE ACT PURSUANT TO CLAUSE (a) AND (b) OF SECTION 7 OF THE ACT DO NOT CLEARLY COVER THE ABOVE MENTIONED CIRCUMSTANCES AND ARE ENTIRELY OUT OF DATE UNDER PRESENT ECONOMIC CONDITIONS.

THERE IS NO UNIFORM PROCEDURE IN THE PROVINCE IN THE APPLICATION OF THE ABOVE MENTIONED SUBSECTION 1 OF SECTION 5 AND SUBSECTION 3 OF SECTION 6 OF THE ACT.

THERE IS NO DOUBT THAT THE ABOVE INDICATED ACTIONS OF POLICE FORCES AND OTHER PERSONS INSTITUTED AT THE INSTANCE OF THE CROWN SHOULD REMAIN THE FINANCIAL RESPONSIBILITY OF THE PROVINCE THROUGH THE MINISTRY OF THE ATTORNEY GENERAL. REGULATION 949/74 SHOULD BE UPDATED AND ADJUSTED TO THE PRESENT CIRCUMSTANCES.

A NUMBER OF COMPLAINTS HAVE BEEN RECEIVED DURING THE STUDY FROM MUNICIPAL POLICE DEPARTMENTS LOCATED IN THE DISTRICTS REGARDING THE PAYMENT OF ALLOWANCES AND REIMBURSEMENTS UNDER THE PROVISIONS OF THE ADMINISTRATION OF JUSTICE ACT DEALT WITH IN THIS CHAPTER. THE POLICY ENUNCIATED IN 1971 HAS PROVIDED THAT NO ALLOWANCES OR OTHER EXPENSES ARISING FROM THE PROVISIONS NOW UNDER REVIEW SHOULD BE PAID TO MUNICIPAL POLICE FORCES WHICH AT THE INSTANCE OF THE CROWN EFFECT AN ARREST OR BRING A PERSON CHARGED WITH AN INDICTABLE OFFENCE TO THE PLACE OF TRIAL LOCATED WITHIN THE COUNTY OR DISTRICT WITHIN WHICH THE POLICE FORCE IS RESPONSIBLE FOR POLICING. IT IS CONSIDERED THAT THIS POLICY SHOULD CONTINUE TO APPLY WITH REGARD TO SOUTHERN REGIONAL MUNICIPALITIES AND COUNTIES, HOWEVER, BY REASON OF EXTENSIVE DISTANCES MUNICIPAL POLICE DEPARTMENTS IN DISTRICTS

SHOULD BE PAID THE RESPECTIVE ALLOWANCES AND REIMBURSED FOR EXPENSES IF THE TOTAL DISTANCES NECESSARILY TRAVELLED BY POLICE ESCORTS FOR APPREHENDING AND BRINGING THE ARRESTED PERSON TO COURT IS 200 KILOMETERS OR MORE, TAKING INTO ACCOUNT THE ROUND TRIP.

CHAPTER 5 - CONVEYING OF PRISONERS AT THE INSTANCE OF THE
COURTS

THE EXISTING MOST IMPORTANT LEGAL PROVISIONS REGULATING
THE CONVEYANCE OF PRISONERS AT THE INSTANCE OF THE COURTS ARE
AS FOLLOWS:-

- (a) THE MUNICIPAL ACT, SECTION 348, RELATING TO MUNICIPAL
POLICE DEPARTMENTS -

348. WHERE THE ATTENDANCE OF A PRISONER CONFINED IN A
CORRECTIONAL INSTITUTION IS REQUIRED AT A HEARING OR
PROCEEDING, THE MUNICIPALITY MAINTAINING THE POLICE
FORCE THAT DELIVERED THE PRISONER TO THE CORRECTIONAL
INSTITUTION IS RESPONSIBLE FOR CONVEYING THE PRISONER
FROM THE CORRECTIONAL INSTITUTION TO THE PLACE OF THE
HEARING OR PROCEEDING AND FOR HIS RETURN.

- (b) CLAUSE (c) OF SUBSECTION 1 OF SECTION 46 OF THE POLICE ACT
RELATING TO THE ONTARIO PROVINCIAL POLICE -

46.--(1)(c) TO PERFORM ALL DUTIES THAT MAY BE LAWFULLY
PERFORMED BY CONSTABLES IN RELATION TO THE ESCORT
AND CONVEYANCE OF CONVICTS AND OTHER PRISONERS AND
MENTALLY INCOMPETENT PERSONS TO AND FROM ANY COURTS,
PLACES OF PUNISHMENT OR CONFINEMENT, HOSPITALS OR
OTHER PLACES.

- (c) SECTION 460 OF THE CRIMINAL CODE OF CANADA DEALING WITH THE CONVEYANCE OF INMATES FROM CORRECTIONAL INSTITUTIONS TO ONTARIO COURTS FOR TRIAL AS DEFENDANTS AND/OR WITNESSES IN CRIMINAL MATTERS -

460. (1) WHERE A PERSON WHO IS CONFINED IN A PRISON IS REQUESTED

- (a) TO ATTEND AT A PRELIMINARY INQUIRY INTO A CHARGE AGAINST HIM,
- (b) TO STAND HIS TRIAL UPON A CHARGE THAT MAY BE TRIED BY INDICTMENT OR ON SUMMARY CONVICTION, OR
- (c) TO ATTEND TO GIVE EVIDENCE IN A PROCEEDING TO WHICH THIS ACT APPLIES,

A JUDGE OF A SUPERIOR COURT OF CRIMINAL JURISDICTION OR OF A COUNTY OR DISTRICT COURT MAY ORDER IN WRITING THAT THE PRISONER BE BROUGHT BEFORE THE COURT, JUDGE, JUSTICE OR MAGISTRATE BEFORE WHOM HIS ATTENDANCE IS REQUIRED, FROM DAY TO DAY AS MAY BE NECESSARY, IF

- (d) THE APPLICANT FOR THE ORDER SETS OUT THE FACTS OF THE CASE IN AN AFFIDAVIT AND PRODUCES THE WARRANT, IF ANY, AND
- (e) THE JUDGE IS SATISFIED THAT THE ENDS OF JUSTICE REQUIRE THAT AN ORDER BE MADE.

(2) A MAGISTRATE HAS THE SAME POWERS FOR THE PURPOSES OF SUBSECTION (1) AS A JUDGE HAS UNDER THAT SUBSECTION WHERE THE PERSON WHOSE ATTENDANCE IS REQUIRED IS CONFINED IN A PRISON WITHIN THE PROVINCE IN WHICH THE MAGISTRATE HAS JURISDICTION.

(3) AN ORDER THAT IS MADE UNDER SUBSECTION (1) OR (2) SHALL BE ADDRESSED TO THE PERSON WHO HAS CUSTODY OF THE PRISONERS, AND ON RECEIPT THEREOF THAT PERSON SHALL

(a) DELIVER THE PRISONER TO ANY PERSON WHO IS NAMED IN THE ORDER TO RECEIVE HIM, OR

(b) BRING THE PRISONER BEFORE THE COURT, JUDGE, JUSTICE OR MAGISTRATE, AS THE CASE MAY BE, UPON PAYMENT OF HIS REASONABLE CHARGES IN RESPECT THEREOF.

(4) WHERE THE PRISONER IS REQUIRED AS A WITNESS, THE JUDGE OR MAGISTRATE SHALL DIRECT, IN THE ORDER, THE MANNER IN WHICH THE PRISONER SHALL BE KEPT IN CUSTODY AND RETURNED TO THE PRISON FROM WHICH HE IS BROUGHT.

(5) WHERE THE APPEARANCE OF THE PRISONER IS REQUIRED FOR THE PURPOSES OF PARAGRAPH (1)(a) OR (b), THE JUDGE OR MAGISTRATE SHALL GIVE APPROPRIATE DIRECTIONS IN THE ORDER WITH RESPECT TO THE MANNER IN WHICH THE PRISONER IS

(a) TO BE KEPT IN CUSTODY, IF HE IS COMMITTED FOR TRIAL, OR

(b) TO BE RETURNED, IF HE IS DISCHARGED UPON A PRELIMINARY INQUIRY OR IF HE IS ACQUITTED OF THE CHARGE AGAINST HIM.

(6) SECTIONS 645 AND 659 APPLY WHERE A PRISONER TO WHOM THIS SECTION APPLIES IS CONVICTED AND SENTENCED TO IMPRISONMENT BY THE COURT, JUDGE, JUSTICE OR MAGISTRATE.

- (d) RULE 275 OF THE ONTARIO RULES OF PRACTICE RELATING TO APPREHENSION, DETENTION AND CONVEYANCE TO COURT OF PRISONERS TO A CIVIL TRIAL -

275. (1) UPON PROOF TO THE SATISFACTION OF THE PRESIDING JUDGE OF THE SERVICE OF A SUBPOENA UPON A WITNESS WHO FAILS TO ATTEND OR TO REMAIN IN ATTENDANCE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBPOENA, AND THE AMOUNT PROPER FOR CONDUCT MONEY HAS BEEN DULY PAID OR TENDERED TO HIM, AND THAT THE PRESENCE OF SUCH WITNESS IS MATERIAL TO THE ENDS OF JUSTICE, THE JUDGE MAY BY HIS WARRANT (FORM 60), DIRECTED TO ANY SHERIFF OR OTHER OFFICER OF THE COURT, OR TO ANY CONSTABLE, CAUSE SUCH WITNESS TO BE APPREHENDED ANYWHERE WITHIN ONTARIO, AND FORTHWITH TO BE BROUGHT BEFORE THE COURT AND TO BE DETAINED IN CUSTODY AS THE PRESIDING JUDGE MAY ORDER, UNTIL HIS PRESENCE AS SUCH WITNESS IS NO LONGER REQUIRED, OR, IN THE DISCRETION OF THE JUDGE, TO BE RELEASED ON A RECOGNIZANCE (WITH OR WITHOUT SURETIES) CONDITIONED FOR APPEARANCE TO GIVE EVIDENCE. (AMENDED, O. REG. 106/75, s.24)

(2) THE SERVICE OF THE SUBPOENA AND PAYMENT OF CONDUCT MONEY MAY BE PROVED BY AN AFFIDAVIT.

CONVEYANCE OF ALL PRISONERS AT THE INSTANCE OF THE COURTS IN ONTARIO IS PERFORMED BY THE ONTARIO PROVINCIAL POLICE, MUNICIPAL POLICE DEPARTMENTS, THE ROYAL CANADIAN MOUNTED POLICE AND ALSO THE MINISTRY OF CORRECTIONAL SERVICES ONLY AFTER SENTENCING.

THIS INCLUDES THE TRANSPORTATION OF PRISONERS FOR MENTAL EXAMINATION AND OBSERVATION TO APPROPRIATE INSTITUTIONS PURSUANT TO THE PROVISIONS OF SECTION 465 (1) CLAUSE (c), SECTION 543 AND SECTION 738, SUBSECTIONS (5) AND (6) OF THE CRIMINAL CODE OF CANADA AND PURSUANT TO THE PROVISIONS OF SECTIONS 14 AND 15 OF THE MENTAL HEALTH ACT, R.S.O. 1970, CHAPTER 269.

IT SHOULD BE NOTED THAT IN THE UNITED KINGDOM, IN THE PROVINCE OF QUEBEC AND IN THE PROVINCE OF BRITISH COLUMBIA, POLICE FORCES HAVE BEEN RELIEVED FROM TRANSPORTING PRISONERS FOLLOWING THE FIRST APPEARANCE IN COURT. THIS SERVICE IS PROVIDED IN BOTH GREAT BRITIAN AND QUEBEC BY CORRECTIONAL SERVICES AND IN BRITISH COLUMBIA BY REGIONAL SHERIFFS UNDER THE DIRECTION OF THE SECURITY SERVICES BRANCH IN THE DEPARTMENT OF THE ATTORNEY GENERAL.

CONVEYANCE OF PRISONERS FOR REMAND, BAIL HEARINGS AND TRIAL
BETWEEN REGIONAL DETENTION CENTRES, JAILS AND THE COURTS

PURSUANT TO THE PROVISIONS OF SECTION 348 OF THE MUNICIPAL ACT AND CLAUSE (c) OF SUBSECTION 1 OF SECTION 46 OF THE POLICE ACT, MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE, RESPECTIVELY, HAVE THE DUTY TO CONVEY PRISONERS FOR COURT HEARINGS AND TRIALS.

A SURVEY BASED ON QUESTIONNAIRES COMPLETED BY MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE INDICATES THAT THE ESTIMATED COST OF THIS SERVICE IN 1977 AMOUNTED TO APPROXIMATELY \$2,184,000 (SEE SCHEDULES 14 AND 15, VOLUME III, PAGES 216-239 FOR DETAILS).

THE STUDY REVEALED THAT THE PRISONERS ARE CONVEYED BY POLICE FORCES TO 51 LOCATIONS OF THE SUPREME, COUNTY AND DISTRICT COURT SITTINGS (SCHEDULE 4.1, VOLUME I, PAGE 32) TO 160 LOCATIONS OF PROVINCIAL COURT (CRIMINAL DIVISION) SITTINGS (SCHEDULE 4.4, VOLUME I, PAGE 94), AND ON OCCASION, TO 112 LOCATIONS OF THE PROVINCIAL COURT (FAMILY DIVISION) SITTINGS (SCHEDULE 4.3, VOLUME I, PAGE 75).

THE COST OF THIS SERVICE IS A CHARGE TO MUNICIPALITIES RESPONSIBLE FOR THEIR OWN POLICING AND TO THE PROVINCE OF ONTARIO (MINISTRY OF THE SOLICITOR GENERAL) WITH REGARD TO MUNICIPAL AND HIGHWAY POLICING BY THE ONTARIO PROVINCIAL POLICE.

SINCE 1971, REGIONAL MUNICIPALITIES MAINTAINING REGIONAL POLICE FORCES AND SINCE 1972, ALL OTHER MUNICIPALITIES MAINTAINING MUNICIPAL POLICE FORCES, INCLUDING THOSE POLICED BY THE ONTARIO PROVINCIAL POLICE UNDER CONTRACT, HAVE BEEN SUBSIDIZED BY MEANS OF UNCONDITIONAL GRANTS. PROVINCIAL PARTICIPATION IN THE FUNDING OF MUNICIPAL POLICE SERVICES IS THE SUBJECT OF A SEPARATE DISCUSSION IN CHAPTER 12.

IN ASSESSING THE POLICE FUNCTIONS DISCUSSED IN THIS SECTION ONE HAS TO TAKE INTO CONSIDERATION, THE FOLLOWING:-

- (a) THE CONVEYANCE OF PRISONERS IS PERFORMED IN EACH CASE AT THE DIRECTION OF THE COURTS AND DOES NOT FALL WITHIN THE INHERENT RESPONSIBILITIES AND FUNCTIONS OF THE LAW ENFORCEMENT AGENCIES.
- (b) THE USE OF SPECIALLY TRAINED AND HIGHLY REMUNERATED POLICE OFFICERS FOR THIS SPECIFIC CUSTODIAL FUNCTION IS UNECONOMIC AND CAN BE PERFORMED AT A MUCH LOWER COST WITHIN POLICE ORGANIZATION BY SPECIALLY TRAINED CIVILIAN STAFF, CUSTODIAL OFFICERS OR SPECIAL CONSTABLES. QUITE SUCCESSFUL EXPERIMENTS IN THIS REGARD HAVE BEEN CONDUCTED BY THE CITY OF LONDON, CITY OF BRANTFORD AND THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH POLICE DEPARTMENTS.
- (c) THE POSSIBILITY OF EMPLOYING CUSTODIAL STAFF OF THE MINISTRY OF CORRECTIONAL SERVICES TO CONVEY PRISONERS TO COURT, GUARD THEM WITHIN THE COURT BUILDING AND TAKE THEM BACK TO THE CORRECTIONAL INSTITUTION. THIS ALTERNATIVE WOULD ELIMINATE ENTIRELY, WITH SOME EXCEPTIONS IN THE NORTHERN DISTRICTS OF THE PROVINCE, PROFESSIONAL POLICE OFFICERS FROM THIS RESPONSIBILITY BY A LESS EXPENSIVE CUSTODIAL STAFF. IN ADDITION, EACH CONVEYANCE WILL BE REDUCED TO ONE RETURN TRIP BETWEEN THE JAIL AND THE COURT INSTEAD OF TWO RETURN TRIPS, ONE BETWEEN THE POLICE STATION AND THE JAIL AND THE OTHER ONE BETWEEN THE JAIL AND THE COURT.

(d) ADJOURNMENTS AND REMANDS IN CRIMINAL PROCEEDINGS AT THE DIRECTION OF THE COURTS ACCOUNT FOR THE MAJORITY OF CONVEYING PRISONERS BETWEEN THE CORRECTIONAL INSTITUTIONS AND THE COURTS. THIS MATTER WAS THOROUGHLY INVESTIGATED AND REPORTED UPON BY THE ROYAL COMMISSION ON THE TORONTO JAIL AND CUSTODIAL SERVICES, CONDUCTED BY HIS HONOUR JUDGE B. BARRY SHAPIRO. ANOTHER DETAILED ACCOUNT RELATING TO THIS PROBLEM APPEARS IN A REPORT ON ADULT CORRECTIONAL INSTITUTIONS OF THE OMBUDSMAN OF ONTARIO. ONE MORE RECENT STUDY ENTITLED "A DESCRIPTION OF ONTARIO'S JAIL POPULATION" WAS COMPLETED RECENTLY BY MR. PATRICK G. MADDEN FOR THE MINISTRY OF CORRECTIONAL SERVICES. HE REMARKS THAT "THE NUMBER OF INMATES SPENDING 90 DAYS OR MORE INCARCERATED PRIOR TO BEING RELEASED ON BAIL OR GIVEN NON-INSTITUTIONAL SENTENCES IS ALARMING. ONE HAS TO QUESTION AN INDIVIDUAL BEING CONSIDERED A RISK TO THE COMMUNITY WHILE ASSUMED INNOCENT BUT NOT A RISK AFTER HIS CONVICTION". ACCORDING TO HIS REPORT, OUT OF A SAMPLE OF 2,430 INMATES AT PROVINCIAL JAILS, 947 WERE HELD ON REMAND BETWEEN 1 AND OVER 91 DAYS. FROM THIS GROUP 433 WERE SENTENCED TO PRISON AFTER VARIOUS PERIODS ON REMAND. OF THE REMAINING 514 INMATES, 76 WERE RELEASED ON PROBATION UPON CONVICTION, 49 WERE RELEASED UPON DISMISSAL OF THEIR CASES, 13 UPON PAYMENT OF A FINE, 239 ON BAIL AND 137 REMAINED ON REMAND AT THE CONCLUSION OF THIS STUDY WHICH WAS CONDUCTED FROM MAY 2ND TO NOVEMBER 28TH, 1977. THE FOLLOWING TABLE SHOWS THE DISPOSITION OF THE 514 CASES TO ILLUSTRATE MR. MADDEN'S STATEMENT:-

TOTAL TIME SPENT IN JAIL BY REMANDED INMATES

OUTCOME	TOTAL NO. OF DAYS SPENT ON REMAND IN JAIL				TOTAL
	1-14	15-30	31-90	91 +	
RELEASED ON PROBATION	12	20	35	9	76
CASE DISMISSED, RELEASED	3	8	21	17	49
FINED AND RELEASED	7	2	4	nil	13
RELEASED ON BAIL	123	35	54	27	239
STILL ON REMAND	4	6	35	92	137
TOTAL	149	71	149	145	514

BOTH HIS HONOUR JUDGE SHAPIRO AND THE OMBUDSMAN RECOMMENDED IN THEIR RESPECTIVE REPORTS THAT REMAND COURTS BE HELD WITHIN OR IN THE IMMEDIATE VICINITY OF THE JAILS. THE ADMINISTRATION OF CORRECTIONAL SERVICES WOULD BE PREPARED TO ACCOMMODATE APPROPRIATELY THIS SUGGESTION, HOWEVER, THE JUDICIAL BENCH OF THE PROVINCIAL COURT (CRIMINAL DIVISION) REPRESENTED BY HIS HONOUR CHIEF JUDGE F.C. HAYES WOULD OPPOSE SUCH PROPOSAL, INDICATING THAT A REMAND HEARING MUST BE CONDUCTED IN AN OPEN COURT WITH FULL ACCESSIBILITY OF THE PUBLIC TO SUCH HEARING. ACCORDING TO CHIEF JUDGE HAYES, THE PURPOSE OF THE ADMINISTRATION OF JUSTICE WOULD NOT BE PROPERLY SERVED BY SUCH ARRANGEMENT.

NEVERTHELESS ALL ABOVE MENTIONED STUDIES, INCLUDING THIS EXERCISE, POINT TO A VERY HIGH INCIDENCE OF MULTIPLE REMANDS PRIOR TO SETTING OF A TRIAL DATE. IN ORDER TO IMPROVE THE SITUATION, A MUCH CLOSER LIASON AND CO-OPERATION SHOULD BE IMPOSED BY THE COURTS UPON THE PARTIES TO THE PROCEEDINGS INCLUDING THE CROWN AND THE POLICE ON ONE SIDE AND THE DEFENCE BAR ON THE OTHER.

- (e) AT THE TIME OF THIS STUDY THE HEARINGS OF CRIMINAL MATTERS BY THE PROVINCIAL COURTS (CRIMINAL DIVISION) HAVE BEEN HELD IN 160 LOCATIONS THROUGHOUT THE PROVINCE WHERE AT ONE TIME OR ANOTHER PRISONERS REMANDED TO CORRECTIONAL INSTITUTIONS WOULD HAVE TO BE CONVEYED BY POLICE FOR FURTHER REMAND, BAIL HEARINGS OR TRIAL. IT IS CONSIDERED THAT IN THE PRESENT AGE OF RAPID PUBLIC AND PRIVATE TRANSPORTATION, THE NUMBER OF PLACES WHERE CRIMINAL COURT HEARINGS ARE HELD SHOULD BE SUBSTANTIALLY REDUCED AND LIMITED TO LARGER COMMUNITIES WHERE COURT BUILDINGS ARE PROVIDED WITH PROPER SECURITY FACILITIES. SPECIAL ATTENTION IN THIS RESPECT SHOULD BE GIVEN TO NORTHERN DISTRICTS WHERE EXTENSIVE DISTANCES AND A LACK OF ADEQUATE PUBLIC TRANSPORTATION WOULD JUSTIFY THE RETENTION OF MORE COURT FACILITIES THAN IN SOUTHERN COUNTIES. HOWEVER, THE COURT FACILITIES IN THE 43 LOCATIONS WITHIN THE 5 DISTRICTS OF ALGOMA, COCHRANE, KENORA, THUNDER BAY AND TIMISKAMING SHOULD UNDERGO A CRITICAL REVIEW WITH THE POSSIBILITY OF SOME REDUCTION.

CONVEYING OF INMATES OF CORRECTIONAL INSTITUTIONS FOR TRIAL
AS DEFENDANTS OR WITNESSES IN CRIMINAL MATTERS

SECTION 460 OF THE CRIMINAL CODE DEALS WITH THE PROVISIONS APPLICABLE TO INSTANCES INDICATED IN THE SUB-TITLE TO THIS SECTION. THE PRESENT PRACTICE IS TO REMUNERATE POLICE FORCES ACCORDING TO REGULATION 949/74 MADE UNDER THE ADMINISTRATION OF JUSTICE ACT WHENEVER A PRISONER IS BROUGHT TO COURT FROM A CORRECTIONAL INSTITUTION LOCATED BEYOND THE COUNTY OR DISTRICT WITHIN WHICH THE POLICE DEPARTMENT HAS JURISDICTION. SUCH DISBURSEMENT REPRESENTS ONLY A FRACTION OF THE ACTUAL COST OF CONVEYING A PRISONER.

RECENT DISCUSSIONS HELD BY THE AUTHOR OF THIS REPORT WITH THE SENIOR OFFICIALS OF THE MINISTRY OF CORRECTIONAL SERVICES HAVE RESULTED IN AN UNDERTAKING THAT THE MINISTRY OF CORRECTIONAL SERVICES, UPON RECEIVING A NOTICE OF AT LEAST 14 DAYS PRIOR TO THE DATE OF TRIAL, WOULD BRING THE REQUIRED PRISONER FROM EITHER THE FEDERAL OR PROVINCIAL CORRECTIONAL INSTITUTION TO THE REGIONAL DETENTION CENTRE OR JAIL LOCATED NEAREST TO THE PLACE OF TRIAL. THE CONVEYING OF SUCH PRISONER TO TRIAL WILL BE DEALT WITH IN ACCORDANCE WITH THE PRINCIPLES TO BE DEVELOPED WITHIN THE CONTENTS OF THE PRECEDING SECTION.

ANY CONVEYANCE OF PRISONERS DIRECTLY FROM A FEDERAL PENITENTIARY OR PROVINCIAL CORRECTIONAL INSTITUTION UPON DIRECTION OF THE COURT, WHERE ARRANGEMENT WITH THE MINISTRY OF CORRECTIONAL SERVICES INDICATED ABOVE COULD NOT BE MADE, SHOULD CONTINUE TO BE THE FINANCIAL RESPONSIBILITY OF THE MINISTRY OF THE ATTORNEY GENERAL PURSUANT TO REGULATION 949/74 MADE UNDER THE ADMINISTRATION OF JUSTICE ACT. THIS REGULATION, HOWEVER, SHOULD BE AMENDED TO REFLECT THE ACTUAL COST OF ESCORTING TO THE POLICE DEPARTMENTS.

CONVEYANCE OF INMATES OF CORRECTIONAL INSTITUTIONS FOR TRIAL
AS PLAINTIFFS, DEFENDANTS OR WITNESSES IN CIVIL OR MATRIMONIAL
MATTERS

THERE IS NO OTHER SPECIFIC PROVISION THAN RULE 275 OF THE ONTARIO RULES OF PRACTICE, WHICH MAY BE APPLIED TO THE CONVEYANCE OF IMPRISONED PERSONS FOR TRIAL IN CIVIL AND MATRIMONIAL CAUSES. THIS RULE STILL CONTAINS THE ANTIQUATED PROVISION THAT THE WARRANT FOR APPREHENSION AND DELIVERY OF A PRISONER TO COURT MAY BE DIRECTED TO "ANY SHERIFF OR OTHER OFFICER OF THE COURT". IT SHOULD NOW BE APPRECIATED, THAT SHERIFFS OR OTHER OFFICERS OF THE COURT HAVE NEITHER THE FACILITIES NOR APPROPRIATE STAFF FOR APPREHENSION, CONFINEMENT AND ESCORTING OF APPREHENDED PERSONS AND, THEREFORE, BOTH THE ONTARIO RULES OF PRACTICE AND THE RULES OF THE PROVINCIAL COURT (FAMILY DIVISION) SHOULD EVENTUALLY RECOGNIZE THIS FACT AND PROVIDE IN RESPECT OF APPREHENSION, CONFINEMENT AND CONVEYING OF ARRESTED PERSONS TO BE MADE SOLELY BY CONSTABLES BEING MEMBERS OF THE PROPERLY ORGANIZED POLICE FORCES.

THE ONTARIO RULES OF PRACTICE SHOULD CONTAIN PROVISIONS FOR THE CONVEYANCE OF INMATES OF CORRECTIONAL INSTITUTIONS UNDER THE COURT ORDERS TO APPEAR AS PLAINTIFFS, DEFENDANTS OR WITNESSES IN CIVIL OR MATRIMONIAL MATTERS AND FIX ALLOWANCES AND EXPENSES TO BE PAID TO AGENCIES EXECUTING THE APPREHENSION AND CONVEYING ORDERS OF THE COURTS AND THE RESPONSIBILITY OF THE PARTIES FOR PAYMENT TO COURT.

CONVEYANCE OF PRISONERS FOR MENTAL EXAMINATION AND OBSERVATION

CONVEYING OF REMANDED PRISONERS PURSUANT TO THE PROVISIONS OF SECTIONS 465, 543 AND 738 OF THE CRIMINAL CODE OF CANADA AND PURSUANT TO THE PROVISIONS OF SECTIONS 14 AND 15 OF THE MENTAL HEALTH ACT (ONTARIO) IS NOW THE RESPONSIBILITY OF THE ONTARIO POLICE FORCES SUBJECT TO PARTIAL REIMBURSEMENT OF COSTS IN ACCORDANCE WITH SECTION 1, ITEM 2 AND SECTION 2(2) OF THE ONTARIO REGULATION 949/74 MADE UNDER THE ADMINISTRATION OF JUSTICE ACT. THE SAME COMPENSATION PROVISIONS TO POLICE FORCES APPLY TO CONVEYANCE OF PRISONERS AT THE ORDERS OF THE COURTS FOR PHYSICAL MEDICAL EXAMINATIONS.

REMARKS AND RESERVATIONS MADE IN THE THREE PREVIOUS SECTIONS REGARDING THE ECONOMY AND PROPRIETY OF USING POLICE OFFICERS FOR CONVEYANCE OF PRISONERS AND AS TO INADEQUACY OF ALLOWANCES AND REIMBURSEMENTS PROVIDED UNDER THE ADMINISTRATION OF JUSTICE ACT (ONTARIO REGULATION 949/74) APPLY TO THE TRANSPORTATION OF PRISONERS DESCRIBED IN THIS SECTION.

ESCORT FEES AND ALLOWANCES

THE ONTARIO REGULATION 949/74 MADE UNDER THE ADMINISTRATION OF JUSTICE ACT, PROVIDES FOR THE FOLLOWING ALLOWANCES AND REIMBURSEMENTS TO AGENCIES OR PERSONS FOR CERTAIN ASPECTS OF CONVEYING PRISONERS. ACCORDING TO ITEM 2 OF SECTION 1 OF THE REGULATION "CONVEYING PRISONERS TO A PENITENTIARY, FOR MEDICAL EXAMINATION OR TO ANOTHER JURISDICTION.....

- (a) WHERE THE DISTANCE OF ESCORTING IS LESS THAN FIFTY MILES ONE WAY,
- | | |
|---------------|-------|
| PER HOUR..... | 4.00 |
| MINIMUM | 15.00 |
- (b) WHERE THE DISTANCE OF ESCORTING IS FIFTY MILES OR MORE AND LESS THAN 125 MILES ONE WAY, PER ESCORT.....30.00
- (c) WHERE THE DISTANCE IS MORE THAN 125 MILES AND THE ESCORTING OCCUPIES NOT MORE THAN ONE TWENTY-FOUR HOUR PERIOD, PER ESCORT.....45.00
- (d) WHERE THE ESCORTING OCCUPIES MORE THAN ONE TWENTY-FOUR HOUR PERIOD, PER DIEM.....30.00

PURSUANT TO THE PROVISIONS OF SUBSECTION 2 OF SECTION 2 OF THE REGULATION "PERSONS CONVEYING PRISONERS TO A PENITENTIARY OR ANOTHER JURISDICTION.....RECEIVE THE REIMBURSEMENT OF ACTUAL LIVING EXPENSES AND

- (a) WHERE PUBLIC CONVEYANCE IS USED, THE ACTUAL TRAVELLING EXPENSES; OR
- (b) WHERE A PRIVATE CONVEYANCE IS USED, A MILEAGE ALLOWANCE FOR EACH MILE ACTUALLY TRAVELLED ONE WAY,
 - (i) IN NORTHERN ONTARIO, 37 CENTS, AND
 - (ii) IN SOUTHERN ONTARIO, 35 CENTS.

THE PAYMENT OF THE ABOVE ALLOWANCES AND EXPENSES OR REIMBURSEMENTS IS THE RESPONSIBILITY OF THE MINISTRY OF THE ATTORNEY GENERAL PURSUANT TO THE ADMINISTRATION OF JUSTICE ACT. SINCE JANUARY 9, 1978, THE FINANCIAL AND PHYSICAL RESPONSIBILITY FOR CONVEYING CONVICTED PRISONERS TO FEDERAL PENITENTIARIES RESTS WITH THE MINISTRY OF CORRECTIONAL SERVICES.

THE MINISTRY OF THE ATTORNEY GENERAL PAID IN 1976/77 \$584,200 AND IN 1977/78 \$589,400 (SCHEDULE 3, VOLUME I, PAGE 26), AS ESCORT FEES AND EXPENSES TO ONTARIO POLICE FORCES, OFF DUTY POLICE OFFICERS AND OTHER PUBLIC SERVANTS FOR CONVEYING ADULT PRISONERS AND APPREHENDED JUVENILES:-

- (a) FOR MEDICAL (BOTH MENTAL AND PHYSICAL) EXAMINATIONS;
- (b) FOR BRINGING APPREHENDED ADULTS OR JUVENILES FROM OTHER JURISDICTIONS TO THE JURISDICTION OF THE COURT DEALING WITH THE APPREHENDED PERSON;
- (c) FOR ESCORTING CONVICTED PRISONERS TO FEDERAL PENITENTIARIES (ONLY BETWEEN APRIL 1, 1977, TO JANUARY 9, 1978).

PROPOSALS RELATING TO THE UPDATING AND AMENDMENTS OF REGULATION 949/74 MADE UNDER THE ADMINISTRATION OF JUSTICE ACT ARE CONTAINED IN RECOMMENDATIONS ARISING FROM THIS REPORT.

CHAPTER 6 - PHYSICAL SECURITY IN THE ONTARIO COURTS SYSTEM

THERE ARE VERY FEW LEGAL PROVISIONS WHICH REGULATE THE VARIOUS ASPECTS OF SECURITY WITHIN THE ONTARIO COURT SYSTEM. SECTIONS 16 AND 17 OF THE SHERIFFS ACT, R.S.O. 1970, CHAPTER 343, DEFINES THE RESPONSIBILITIES OF A SHERIFF IN THIS REGARD AS FOLLOWS:-

16. THE SHERIFF SHALL GIVE HIS ATTENDANCE UPON THE JUDGES FOR THE MAINTENANCE OF GOOD ORDER IN HER MAJESTY'S COURTS, AND FOR THE DOING AND EXECUTING OF ALL OTHER THINGS THAT APPERTAIN TO THE OFFICE OF SHERIFF IN SUCH CASE.
17. THE SHERIFF HAS THE APPOINTMENT AND CONTROL OF THE CONSTABLES AT THE SITTINGS OF THE HIGH COURT, THE COUNTY COURT, THE COURT OF GENERAL SESSIONS OF THE PEACE, AND OTHER COURTS AT WHICH THE ATTENDANCE OF THE SHERIFF IS REQUIRED.

SECTIONS 440 AND 442 OF THE CRIMINAL CODE PROVIDE ONLY, THAT EVERY JUDGE OR MAGISTRATE HAS AUTHORITY TO PRESERVE ORDER IN COURT OVER WHICH HE PRESIDES.

THE MUNICIPAL ACT AND THE POLICE ACT ARE PRACTICALLY SILENT ON THE PROVISION OF SECURITY BY POLICE FORCES IN OUR COURTS EXCEPTING THE GENERAL RULE THAT THE MUNICIPAL POLICE FORCE "IS RESPONSIBLE FOR THE POLICING AND MAINTENANCE OF LAW AND ORDER IN THE MUNICIPALITY", AND THAT THE MEMBERS OF MUNICIPAL POLICE FORCES ARE CHARGED WITH THE DUTY OF PRESERVING THE PEACE WITHIN THE MUNICIPALITY. AS FAR AS THE ONTARIO PROVINCIAL POLICE IS CONCERNED, ITS' CONSTABLES, SUBJECT TO THE POLICE ACT AND THE ORDERS OF THE COMMISSIONER, SHOULD PERFORM ALL DUTIES ASSIGNED TO THEM IN RELATION TO THE PRESERVATION OF THE PEACE.

THE CONCEPT OF SECURITY WITHIN THE ONTARIO COURT SYSTEM
INCLUDES:-

- (a) GUARDING OF PRISONERS PRIOR TO TRIAL, IN A DESIGNATED AREA OF THE COURT OR IN THE COURT HOLDING CELLS AND DURING THE TRIAL IN A COURT ROOM.
- (b) MAINTAINING THE PEACE IN THE COURT BUILDING AND THE COURT ROOMS DURING THE TRIALS.
- (c) CONTROLLING THE PUBLIC IN THE COURTS.
- (d) PROVIDING SECURITY TO JUDGES AND COURT OFFICIALS IN THE COURT HOUSE.
- (e) PROVIDING SECURITY TO COURT RECORDS ON A TWENTY-FOUR HOUR BASIS.
- (f) PROVIDING SPECIAL SECURITY IN THE COURT HOUSE WHERE LARGE NUMBERS OF PRISONERS OR SPECIALLY VIOLENT PRISONERS ARE ON TRIAL AND WHERE THERE IS LIKELIHOOD OF VIOLENT PUBLIC REACTION OR DISTURBANCE DURING THE COURT PROCEEDINGS.

THE ABOVE MENTIONED FACTORS OF COURT SECURITY HAVE NOT BEEN INCLUDED IN THE ASSESSMENT OF THE PHYSICAL AND FINANCIAL CONCERNS PERTAINING TO THE CONVEYANCE OF PRISONERS DEALT WITH IN THE PRECEDING CHAPTER.

POLICE DEPARTMENTS, IN COMPLETING THE QUESTIONNAIRES DEVELOPED FOR THIS STUDY, HAVE EVALUATED THE COST OF PROVIDING SECURITY IN THE PROVINCIAL COURTS AT APPROXIMATELY \$6,300,000 PER ANNUM (SEE SCHEDULE 16, VOLUME III, PAGES 240-253). WE SHOULD ADD TO THIS COST THE PROVISION OF SECURITY SERVICES IN THE SUPREME, COUNTY AND DISTRICT COURTS WHICH, APART FROM THE SALARIES OF PUBLIC SERVANTS SUCH AS SHERIFFS AND DEPUTY SHERIFFS, ARE SHOWN IN SCHEDULE 2 (VOLUME I, PAGES 18-22) AND SCHEDULE 3 (VOLUME I, PAGES 23-26). THESE COSTS AND RELATIVE INADEQUACIES AND IN-EFFICIENCIES OF THE PRESENT SITUATION COULD BE BEST ILLUSTRATED BY ASSESSING THE PROBLEMS AT EACH LEVEL OF OUR COURT SYSTEM.

SECURITY ARRANGEMENTS IN THE SUPREME, COUNTY AND DISTRICT
COURTS OF ONTARIO

THE SITTINGS OF THE SUPREME COURT OF ONTARIO AND THE COUNTY AND DISTRICT COURTS ARE HELD AT 51 LOCATIONS, 3 IN TORONTO, 2 IN THE DISTRICT OF COCHRANE AND 1 EACH IN THE REMAINING JUDICIAL DISTRICTS. THE MAJORITY OF COUNTY AND DISTRICT COURT HOUSES HAVE NO HOLDING FACILITIES FOR PRISONERS AND ONLY 22 COURT HOUSES HAVE BEEN PROVIDED WITH MORE OR LESS SECURE HOLDING CELLS WITHIN THE COURT HOUSES. AMONG THE LARGER JUDICIAL DISTRICTS WITHOUT ANY PRISONER HOLDING FACILITIES ARE HAMILTON-WENTWORTH, OTTAWA-CARLETON, SUDBURY, FRONTENAC, HASTINGS, PETERBOROUGH, WELLINGTON, NIPISSING AND TIMISKAMING. PRISONERS WHO ARE BROUGHT FOR TRIAL IN THE COURT HOUSES WHICH ARE NOT EQUIPPED WITH HOLDING CELLS ARE HERDED INTO JURY ROOMS, VACANT OFFICES OR OTHER UNSECURED FACILITIES AND GUARDED BY SHERIFFS' OFFICERS OR COURT CONSTABLES APPOINTED ON AN HOURLY BASIS. THESE "CASUAL" COURT OFFICERS ARE RECRUITED IN PRACTICALLY ALL INSTANCES FROM AMONG RETIRED PERSONS WHOSE AVERAGE AGE IS BETWEEN 65 - 75 YEARS. THE SITUATION IS NO DIFFERENT IN THE COUNTY COURT BUILDING OF THE JUDICIAL DISTRICT OF YORK IN TORONTO. THE TORONTO COURT, HOWEVER, HAS BEEN PROVIDED WITH ADEQUATE HOLDING CELLS HAVING DIRECT ACCESS FOR PRISONERS AND THEIR GUARDS TO A NUMBER OF COURT ROOMS SPECIFICALLY ADAPTED FOR CRIMINAL COURT HEARINGS. IN MANY INSTANCES, WHENEVER HIGH SECURITY RISK PRISONERS ARE ON TRIAL, OFF-DUTY POLICE OFFICERS ARE USED AS SHERIFFS' OFFICERS TO GUARD THE PRISONERS WHILE IN COURT. SCHEDULE 2, VOLUME I, ON PAGE 18 SHOWS THAT THE TOTAL COST OF CASUAL STAFF FOR COURT SECURITY IN OUR COUNTY AND DISTRICT COURTS AMOUNTED IN 1977/78 TO \$2,461,000. IN THE SAME YEAR AN ADDITIONAL \$686,000 (SCHEDULE 3, VOLUME I, PAGE 25) WAS SPENT ON SPECIAL SECURITY ARRANGEMENTS BY CONTRACTING THE CORPS OF COMMISSIONAIRES IN TORONTO (\$427,300); PAYING THE LONDON CITY POLICE FOR THE SECURITY OF THE SUPREME AND COUNTY COURT AT LONDON (\$134,300); AND FOR OTHER SECURITY ARRANGEMENTS, MOSTLY THROUGH HIRING OFF-DUTY POLICE OFFICERS (\$114,300). THE TOTAL COST, THEREFORE, OF AD HOC SECURITY ARRANGEMENTS FOR THE SUPREME COUNTY AND DISTRICT COURTS IN THE PROVINCE AMOUNTS TO APPROXIMATELY \$3,146,000.

SHERIFFS, DEPUTY SHERIFFS AND THE "CASUAL" AND "CONTRACTED" HELP ARE ALSO USED FOR THE MAINTENANCE OF ORDER IN THE COURT BUILDINGS AND THE COURT ROOMS DURING THE TRIAL, CONTROLLING THE PUBLIC AND PROVIDING "SECURITY" TO JUDGES AND COURT OFFICIALS. SOME COURTS ARE PROVIDED WITH NIGHT WATCHMEN SERVICE BY THE MINISTRY OF GOVERNMENT SERVICES WITHIN THE MAINTENANCE ARRANGEMENTS OF THE COURT BUILDINGS.

WHERE DANGEROUS PRISONERS ARE ON TRIAL OR IN OTHER UNUSUAL CIRCUMSTANCES, SPECIAL SECURITY ARRANGEMENTS ARE MADE WITH LOCAL MUNICIPAL POLICE FORCES OR THE ONTARIO PROVINCIAL POLICE. IN SOME INSTANCES (WINDSOR AND LONDON) THE POLICE DEPARTMENTS BILL THE ADMINISTRATION OF THE COURTS WITH THE ACTUAL COST OF SUCH ASSISTANCE. IN MOST OTHER CASES HOWEVER, NO SPECIAL REMUNERATION HAS BEEN REQUESTED, ESPECIALLY BY THE ONTARIO PROVINCIAL POLICE.

THE SECURITY ASSISTANCE IN UNUSUAL CIRCUMSTANCES AS DESCRIBED ABOVE SHOULD BE CONSIDERED AS AN INHERENT RESPONSIBILITY OF THE LAW ENFORCEMENT, BOTH BY THE MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE. THERE ARE STILL MISUNDERSTANDINGS IN THIS RESPECT AS THERE IS NO CLEAR POLICY OF THE ATTORNEY GENERAL OR THE SOLICITOR GENERAL WHICH WOULD INDICATE THE CIRCUMSTANCES UNDER WHICH THIS ADDITIONAL SECURITY SHOULD BE PROVIDED.

IN THE PROVINCES OF QUEBEC AND BRITISH COLUMBIA POLICE FORCES, UNDER NORMAL CIRCUMSTANCES OF THE OPERATIONS OF THE COURT, DO NOT PROVIDE REGULAR SECURITY SERVICES TO THE COURTS. IN THE PROVINCE OF QUEBEC A SPECIAL SECURITY SERVICE OF THE GOVERNMENT SERVICES IS RESPONSIBLE FOR THIS TASK AND IN BRITISH COLUMBIA SHERIFFS' OFFICERS OF THE DEPARTMENT OF THE ATTORNEY GENERAL PROVIDE THIS SERVICE TO ALL COURTS.

PERSONS ATTENDING OUR COURTS, ESPECIALLY DURING THE LAST FEW YEARS, WILL HAVE NOTICED THAT BY REASON OF PRESENT ECONOMIC CONDITIONS, CHANGED LIFE STYLES AND THE INFLUENCE OF THE DRUG CULTURE, INDIVIDUALS INVOLVED IN COURT PROCEDURES DEVELOP RATHER RE-BELLIOUS TEMPERAMENTS, DO NOT HESITATE TO COMMIT ACTS OF VIOLENCE AND GENERALLY, DISPLAY RATHER ARROGANT ATTITUDES TOWARDS THE INSTITUTIONS OF THE LAW ENFORCEMENT AND JUSTICE. THESE ATTITUDES CAN BE OBSERVED NOT ONLY IN PRISONERS BROUGHT TO TRIAL BUT ALSO IN THOSE WHO APPEAR BEFORE OUR COURTS FOR MINOR OFFENCES. THIS PHENOMENON, OBSERVED BEFORE THE SUPREME, COUNTY AND DISTRICT COURTS, IS EVEN MORE EVIDENT BEFORE THE PROVINCIAL COURTS OF CRIMINAL AND FAMILY JURISDICTION WHICH DEAL WITH ALL CRIMINAL OFFENCES AND THE MAJORITY OF FAMILY PROBLEMS.

SECURITY ARRANGEMENTS IN PROVINCIAL COURTS OF CRIMINAL AND FAMILY JURISDICTION

IN 1977 PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) PROCESSED BY WAY OF FINAL ADJUDICATION, PRELIMINARY HEARINGS OR OTHERWISE 336,000 MINOR AND SERIOUS CHARGES UNDER THE CRIMINAL CODE AND OTHER FEDERAL STATUTES. IN ADDITION MORE THAN 3,000,000 OFFENCES UNDER PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS WERE DISPOSED OF BY THESE COURTS.

DURING THE SAME PERIOD THE HIGH COURT OF JUSTICE HEARD AND DISPOSED OF 231 CRIMINAL CASES AND THE COUNTY AND DISTRICT COURTS 6,083 OF SUCH CASES, i.e. LESS THAN .1% AND 2% RESPECTIVELY OF THE TOTAL 336,000 CHARGES DEALT WITH BY PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS). ONLY .24% OF ALL SUMMARY CONVICTION CASES WERE HEARD THROUGH SUMMARY CONVICTION APPEALS BY COUNTY AND DISTRICT COURTS.

WHEN IN JANUARY, 1968, THE PROVINCE TOOK OVER THE ADMINISTRATION OF THE MAGISTRATES' COURTS AND OF THE JUVENILE AND FAMILY COURTS, SECURITY ARRANGEMENTS WHICH HAD EXISTED PRIOR TO THE TAKE OVER REMAINED UNCHANGED. LOCAL MUNICIPAL POLICE DEPARTMENTS AND LOCAL DETACHMENTS OF THE ONTARIO PROVINCIAL POLICE HAVE CONTINUED TO GUARD PRISONERS AND JUVENILES DURING TRIALS; MAINTAIN ORDER IN CORRIDORS AND COURT ROOMS; CONTROL THE MOVEMENT OF THE PUBLIC WHICH INCLUDES THE CALLING OF THE NAMES OF THE PARTIES AND WITNESSES REQUIRED AT THE HEARING; PROVIDE SECURITY TO JUDGES AND COURT OFFICIALS IN THE COURT HOUSES AND, IF NECESSARY, OUTSIDE OF THE COURT HOUSE; CONVEY CONVICTED PERSONS EITHER TO THE COURT OFFICE TO PAY FINES OR TO THE PROBATION OFFICE; TRANSPORT COURT RECORDS BETWEEN THE MAIN COURT OFFICE AND SITTINGS OF THE SATELITE COURTS AND IN SOME INSTANCES, ESPECIALLY IN THE NORTH, POLICE OFFICERS ACT AS CLERKS DURING COURT SITTINGS AND PREPARE SUCH COURT FORMS AS WARRANTS OF COMMITTAL OR PROBATION ORDERS FOR JUDGES' SIGNATURES. FROM TIME TO TIME, AND MORE FREQUENTLY IN RECENT YEARS, LOCAL POLICE DEPARTMENTS OR THE ONTARIO PROVINCIAL POLICE HAD TO BE CALLED UPON TO PROVIDE PERSONAL SECURITY TO JUDGES AND THEIR FAMILIES AS THE NUMBER OF THREATS AND VIOLENT BEHAVIOR AGAINST JUDGES AND THEIR FAMILIES HAS BEEN ON THE INCREASE.

THE PRESENCE AND EXTENSIVE PARTICIPATION OF POLICE IN THE OPERATIONS AND PROCEEDINGS OF THE PROVINCIAL COURTS HAS NOT SUBSTANTIALLY DISMINISHED SINCE 1968. LARGER POLICE DEPARTMENTS LIKE TORONTO, HAMILTON-WENTWORTH, OTTAWA-CARLETON, LONDON, WINDSOR, ETC. MAINTAIN SPECIAL UNITS FOR PROVIDING SERVICES TO PROVINCIAL COURTS BOTH OF CRIMINAL AND FAMILY JURISDICTION. SMALLER POLICE FORCES DESIGNATE AT LEAST ONE EXPERIENCED POLICE OFFICER AS A COURT OFFICER AND USE CONSTABLES FROM PATROL DUTIES TO PROVIDE SECURITY AND OTHER SERVICES TO THE COURTS. STILL OTHER POLICE DEPARTMENTS USE POLICE OFFICERS WHO ARE DUE TO APPEAR AS CROWN WITNESSES IN THE COURT TO PERFORM SECURITY FUNCTIONS DURING THE COURT HEARINGS.

SINCE 1970, MAINLY BY REASON OF THE FINANCIAL AND PERSONNEL CONSTRAINTS AT THE MUNICIPAL AND PROVINCIAL LEVEL, MUNICIPAL POLICE GOVERNING AUTHORITIES AND MUNICIPAL COUNCILS HAVE BEEN SUBMITTING REQUESTS TO PROVINCIAL AUTHORITIES FOR RELIEVING POLICE OFFICERS FROM COURT CUSTODIAL AND SECURITY RESPONSIBILITIES. IT HAS BEEN POINTED OUT THAT THE EXISTING LEVEL OF POLICE RESPONSIBILITIES IN THE COURTS REPRESENTS A MISUSE OF TRAINED RESOURCES WHICH COULD BE BETTER EMPLOYED IN MORE EFFECTIVE POLICE ACTIVITIES. IN A NUMBER OF COURTS MUNICIPAL POLICE DEPARTMENTS WITHDREW UNILATTERALLY SUCH SERVICES AS PROVIDING SECURITY AT JUSTICES OF THE PEACE COURTS FOR MINOR OFFENCES, ESCORTING PERSONS TO COURT OFFICES FOR PAYMENT OF FINES OR TO PROBATION OFFICES, CALLING NAMES OF PARTIES AND WITNESSES TO THE TRIAL AND ACTING AS COURT CLERKS DURING THE TRIAL.

IT IS QUITE OBVIOUS THAT PROVINCIAL COURTS, BOTH OF CRIMINAL AND FAMILY DIVISIONS, WHERE EMOTIONS OF PARTIES ARE RUNNING HIGH AT PRACTICALLY EVERY HEARING, WHERE IN EXCESS OF 100,000 PRISONERS ARE BROUGHT EVERY YEAR FOR VARIOUS HEARINGS AND TRIALS, WHERE PHYSICAL SECURITY OF MOST COURT HOUSES AND COURT ROOMS IS INADEQUATE AND WHERE JUDGES AND COURT OFFICIALS ARE BECOMING, MORE OFTEN THAN EVER, OBJECTS OF THREATS, ABUSES AND ARROGANCE, THE HIGHEST POSSIBLE DEGREE OF AN EFFECTIVE AND EFFICIENT SECURITY IS NECESSARY. THE SCOPE OF SUCH SECURITY MUST ALSO BE CLEARLY DEFINED IN VIEW OF FREQUENT MISUSE OF POLICE OFFICERS TO PERFORM ADMINISTRATIVE TASKS WHICH SHOULD BE THE RESPONSIBILITY OF CLERKS AND COURT ATTENDANTS.

CONSIDERATION SHOULD BE GIVEN FROM BOTH FINANCIAL AND MAN-POWER UTILIZATION POINTS OF VIEW TO REPLACE HIGHLY TRAINED POLICE OFFICERS FOR THE PERFORMANCE OF PURELY CUSTODIAL SERVICES BY SPECIALLY TRAINED SECURITY GUARDS EITHER WITHIN THE ORGANIZATION OF POLICE DEPARTMENTS, CORRECTIONAL STAFF OF THE MINISTRY OF CORRECTIONAL SERVICES OR BY APPROPRIATE EXPANSION OF THE ONTARIO GOVERNMENT PROTECTIVE SERVICES ADMINISTERED BY THE ONTARIO PROVINCIAL POLICE.

CHAPTER 7 - INFORMATIONS, SUMMONSES, SUBPOENAS AND WARRANTS

A LARGE SEGMENT OF ADMINISTRATIVE OPERATIONS OF OUR COURT SYSTEM AND THE LAW ENFORCEMENT AGENCIES RELATES TO THE LAYING AND SWEARING IN OF INFORMATIONS AND THE PREPARATION AND SERVING OF SUMMONSES AND SUBPOENAS IN BOTH CRIMINAL AND FAMILY MATTERS AND COMPLETING AND SERVING OTHER COURT PROCESS PAPERS SUCH AS WARRANTS OF APPREHENSION, WARRANTS OF COMMITTAL, DISTRESS WARRANTS, PROBATION ORDERS, ETC. THESE ASPECTS OF THE ADMINISTRATION OF JUSTICE AND ENFORCEMENT OF THE LAW HAVE BEEN GIVEN SPECIAL CONSIDERATION IN THIS STUDY BY REASON OF A COMPLETE LACK OF POLICY DETERMINATION AND UNIFORMITY IN RESPECTIVE RESPONSIBILITIES AND PRACTICES. AN ATTEMPT WILL BE MADE IN THIS CHAPTER TO PROVIDE THE BASIC LEGAL PROVISIONS, ILLUSTRATE CURRENT PROCEDURES AND PRACTICES AND COMMENT UPON THE MOST LOGICAL AND PRACTICAL OPTIONS FOR THE DEVELOPMENT OF THE APPROPRIATE POLICIES AND UNIFORMITY IN PROCEDURES.

INFORMATIONS

THE BASIC PROVISION RELATING TO THE LAYING OF INFORMATIONS IN CRIMINAL PROCEEDINGS ARE CONTAINED IN SECTION 455 OF THE CRIMINAL CODE OF CANADA WITH REGARD TO AN INDICTABLE OFFENCE AND IN SECTIONS 723 AND 724 OF THE CODE IN RELATION TO THE COMMENCEMENT OF SUMMARY PROCEEDINGS. THESE PROVISIONS ARE AS FOLLOWS:-

455. ANYONE WHO, ON REASONABLE AND PROBABLE GROUNDS, BELIEVES THAT A PERSON HAS COMMITTED AN INDICTABLE OFFENCE MAY LAY AN INFORMATION IN WRITING AND UNDER OATH BEFORE A JUSTICE, AND THE JUSTICE SHALL RECEIVE THE INFORMATION, WHERE IT IS ALLEGED

- (a) THAT THE PERSON HAS COMMITTED, ANYWHERE, AN INDICTABLE OFFENCE THAT MAY BE TRIED IN THE PROVINCE IN WHICH THE JUSTICE RESIDES, AND THAT THE PERSON
 - (i) IS OR IS BELIEVED TO BE, OR
 - (ii) RESIDES OR IS BELIEVED TO RESIDE, WITHIN THE TERRITORIAL JURISDICTION OF THE JUSTICE;
- (b) THAT THE PERSON, WHEREVER HE MAY BE, HAS COMMITTED AN INDICTABLE OFFENCE WITHIN THE TERRITORIAL JURISDICTION OF THE JUSTICE;
- (c) THAT THE PERSON HAS, ANYWHERE, UNLAWFULLY RECEIVED PROPERTY THAT WAS UNLAWFULLY OBTAINED WITHIN THE TERRITORIAL JURISDICTION OF THE JUSTICE; OR
- (d) THAT THE PERSON HAS IN HIS POSSESSION STOLEN PROPERTY WITHIN THE TERRITORIAL JURISDICTION OF THE JUSTICE.

723.(1) PROCEEDINGS UNDER THIS PART SHALL BE COMMENCED BY LAYING AN INFORMATION IN FORM 2.

(2) NOTWITHSTANDING ANY OTHER LAW THAT REQUIRES AN INFORMATION TO BE LAID BEFORE OR TO BE TRIED BY TWO OR MORE JUSTICES, ONE JUSTICE MAY

- (a) RECEIVE THE INFORMATION,
- (b) ISSUE A SUMMONS OR WARRANT WITH RESPECT TO THE INFORMATION, AND
- (c) DO ALL OTHER THINGS PRELIMINARY TO THE TRIAL.

724.(1) IN PROCEEDINGS TO WHICH THIS PART APPLIES, THE INFORMATION

- (a) SHALL BE IN WRITING AND UNDER OATH, AND
- (b) MAY CHARGE MORE THAN ONE OFFENCE OR RELATE TO MORE THAN ONE MATTER OF COMPLAINT, BUT WHERE MORE THAN ONE OFFENCE IS CHARGED OR THE INFORMATION RELATES TO MORE THAN ONE MATTER OF COMPLAINT, EACH OFFENCE OR MATTER OF COMPLAINT, AS THE CASE MAY BE, SHALL BE SET OUT IN A SEPARATE COUNT.

(2) NO INFORMATION IN RESPECT OF AN OFFENCE FOR WHICH, BY REASON OF PREVIOUS CONVICTIONS, A GREATER PUNISHMENT MAY BE IMPOSED SHALL CONTAIN ANY REFERENCE TO PREVIOUS CONVICTIONS.

THE PROVISIONS OF SECTIONS 723 AND 724 OF THE CRIMINAL CODE WITH MINOR MODIFICATIONS PROVIDED BY THE ONTARIO SUMMARY CONVICTIONS ACT APPLY TO OFFENCES ARISING FROM THE ENFORCEMENT OF PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS.

UNDER THE ABOVE MENTIONED PROVISIONS AN INFORMATION RECEIVED BY A JUSTICE "SHALL BE IN WRITING AND UNDER OATH".

THE PRACTICE OF "RECEIVING INFORMATIONS" BY JUSTICES OF THE PEACE IN THE PROVINCE FROM MEMBERS OF POLICE FORCES IN THE EXECUTION OF THEIR DUTIES AS POLICE OFFICERS VARIES WIDELY FROM ONE JUDICIAL DISTRICT TO ANOTHER OR EVEN WITHIN ONE JUDICIAL DISTRICT. SCHEDULE 17 (VOLUME III, PAGES 254-276) INDICATES THESE VARIATIONS WITHIN EACH COUNTY AND DISTRICT. FROM AMONG 310 POLICE UNITS IN THE PROVINCE, 210 OF SUCH UNITS PREPARE INFORMATIONS ENTIRELY OR PARTLY IN WRITING AND LAY THEM ON OATH BEFORE JUSTICES OF THE PEACE. APPROXIMATELY 100 SUCH POLICE UNITS DECLARE INFORMATIONS ORALLY BEFORE A JUSTICE OF THE PEACE WHO PERSONALLY OR WITH THE HELP OF TYPISTS COMPLETES SUCH INFORMATIONS BEFORE TAKING THE OATH FROM THE INFORMANT.

THERE SHOULD NOT BE ANY DOUBT THAT THE LAYING OF INFORMATIONS BY POLICE OFFICERS REPRESENTS THE BASIC AND INHERENT FUNCTION OF THE LAW ENFORCEMENT. THE FUNCTION OF THE JUSTICE OF THE PEACE IS TO RECEIVE THE INFORMATION, TAKE OATH AND ISSUE THE NECESSARY PROCESS ARISING FROM SUCH INFORMATION.

JUSTICES OF THE PEACE SHOULD ONLY BE ENCOURAGED TO ASSIST PRIVATE CITIZENS IN THE PREPARATION OF AN INFORMATION.

IT IS FURTHER SUGGESTED THAT ANY INFORMATION RELATING TO INDICTABLE OFFENCES SHOULD BE CLEARED IN A WRITTEN FORM WITH CROWN ATTORNEYS PRIOR TO PRESENTATION AND SWEARING IN BEFORE THE JUSTICE OF THE PEACE. UNDER NO CIRCUMSTANCES SHOULD A JUSTICE OF THE PEACE TAKE RESPONSIBILITY FOR THE FORMULATING OF AN INFORMATION ARISING FROM THE FUNCTIONS AND RESPONSIBILITIES OF THE LAW ENFORCEMENT.

IT WOULD BE APPROPRIATE TO COMMENT AT THIS POINT ON THE COMMENCEMENT OF PROCEEDINGS BEFORE THE PROVINCIAL COURT UNDER THE PROPOSED PROVINCIAL OFFENCES ACT, 1978. UNDER THE PROVISIONS OF PARTS 1 AND 2 OF THE PROPOSED LEGISLATION WHICH WOULD COVER AT LEAST 80% OF MINOR OFFENCES UNDER THE PROVINCIAL LEGISLATION AND THE MUNICIPAL BY-LAWS, "A CERTIFICATE OF OFFENCE" OR "A CERTIFICATE OF PARKING INFRACTION" PREPARED BY A "PROVINCIAL OFFENCES OFFICER" WILL FORM THE BASIS FOR THE COMMENCEMENT OF PROCEEDINGS. PREPARATION AND SWEARING IN OF AN INFORMATION BEFORE A JUSTICE OF THE PEACE WILL NOT BE REQUIRED UNDER THESE PROVISIONS. THIS SIMPLIFICATION OF PROCEDURES WILL ELIMINATE TO A GREAT EXTENT THE PRESENT INTERACTION BETWEEN POLICE OFFICERS AND THE JUSTICES OF THE PEACE.

PART 3 OF THE PROPOSED LEGISLATION WHICH WOULD RELATE TO MORE SERIOUS PROVINCIAL AND MUNICIPAL OFFENCES PROVIDES FOR THE CONTINUATION OF THE COMMENCEMENT OF PROCEEDINGS BY INFORMATION AS FOLLOWS:-

23. IN ADDITION TO THE PROCEDURE SET OUT IN PARTS I AND II FOR COMMENCING A PROCEEDING BY THE FILING OF A CERTIFICATE, A PROCEEDING IN RESPECT OF AN OFFENCE MAY BE COMMENCED BY LAYING AN INFORMATION.
24. (1) ANY PERSON WHO, ON REASONABLE AND PROBABLE GROUNDS BELIEVES THAT ONE OR MORE PERSONS HAVE COMMITTED AN OFFENCE MAY LAY AN INFORMATION IN THE PRESCRIBED FORM AND UNDER OATH BEFORE A JUSTICE ALLEGING THE OFFENCE AND THE JUSTICE SHALL RECEIVE THE INFORMATION.
(2) AN INFORMATION MAY BE LAID ANYWHERE IN ONTARIO.

IT IS AGAIN CONSIDERED THAT THIS TYPE OF INFORMATION APPLICABLE TO MORE SERIOUS PROVINCIAL OFFENCES SHOULD BE PRESENTED IN WRITING TO THE JUSTICES OF THE PEACE BY POLICE DEPARTMENTS OR INDIVIDUAL POLICE OFFICERS.

SUMMONSES, SUBPOENAS AND WARRANTS

SECTIONS 455.3, 455.5, AND 728 OF THE CRIMINAL CODE OF CANADA AND ALSO SECTIONS 25 AND 27 OF THE PROPOSED PROVINCIAL OFFENCES ACT PROVIDE FOR THE ISSUANCE OF SUMMONSES AND WARRANTS TO COMPEL THE APPEARANCE OF AN ACCUSED PERSON BEFORE THE COURTS.

SECTIONS 625, 626, 627, 628, 629, 630 AND 631 OF THE CRIMINAL CODE OF CANADA AND SECTIONS 38, 39 AND 40 OF THE PROVINCIAL OFFENCES ACT, NOW BEFORE THE ONTARIO LEGISLATURE, DEAL WITH THE ISSUANCE OF SUBPOENAS, WARRANTS AND OTHER COURT ORDERS TO COMPEL THE APPEARANCE OF A WITNESS IN CRIMINAL OR PROVINCIAL OFFENCES MATTERS AT A HEARING OR TRIAL.

ALL ABOVE MENTIONED PROVISIONS PLACE THE RESPONSIBILITY FOR ISSUING SUMMONSES, SUBPOENAS AND WARRANTS ON THE COURTS OF APPROPRIATE JURISDICTION AND THE SERVING OF SUMMONSES AND SUBPOENAS AND THE EXECUTION OF WARRANTS ON PEACE OFFICERS OR "PROVINCIAL OFFENCES OFFICERS". ACCORDING TO THE PROVISIONS OF THE INTERPRETATIONS SECTION OF THE PROVINCIAL OFFENCES ACT "PROVINCIAL OFFENCES OFFICER" MEANS A POLICE OFFICER OR A PERSON OR CLASS OF PERSONS DESIGNATED IN WRITING BY A MINISTER OF THE CROWN IN RIGHT OF ONTARIO AS A PROVINCIAL OFFENCES OFFICER FOR THE PURPOSES OF ALL OR ANY CLASS OF OFFENCES.

ACCORDING TO THE PRESENT PRACTICE, SUMMONSES AND SUBPOENAS IN CIVIL AND CRIMINAL MATTERS ARISING FROM THE JURISDICTION OF THE SUPREME COURT OF ONTARIO AND OF THE COUNTY AND DISTRICT COURTS ARE SERVED BY SHERIFFS' OFFICERS. SINCE APRIL 1, 1978, SHERIFFS HAVE ALSO BEEN RESPONSIBLE FOR SERVING SUMMONSES AND SUBPOENAS ARISING FROM THE PROCEEDINGS OF THE UNIFIED FAMILY COURT AT HAMILTON AND PROVINCIAL COURTS (FAMILY DIVISION) UNDER THE PROVISIONS OF THE FAMILY LAW REFORM ACT, 1977.

OUR PRESENT RULES OF PRACTICE OF THE SUPREME COURT OF ONTARIO AND THE RULES OF PRACTICE OF THE PROVINCIAL COURT (FAMILY DIVISION) PROVIDE FOR THE DIRECTION OF BENCH WARRANTS TO THE SHERIFF OR OTHER OFFICER OF THE COURT FOR THE APPREHENSION AND DETENTION OF A WITNESS WHO DID NOT RESPOND TO A SUBPOENA.

THE SERVING OF SUMMONSES AND SUBPOENAS ARISING FROM CRIMINAL PROCEEDINGS IN PROVINCIAL COURTS (CRIMINAL DIVISION) AND OF THE PROVINCIAL COURTS (FAMILY DIVISION) HAS ALWAYS BEEN THE RESPONSIBILITY OF MUNICIPAL POLICE DEPARTMENTS AND OF THE ONTARIO PROVINCIAL POLICE. THE EXECUTION OF BENCH WARRANTS RELATING TO CRIMINAL PROCEEDINGS AT ALL LEVELS OF THE ONTARIO COURT SYSTEM HAS ALSO BEEN THE RESPONSIBILITY OF THE ONTARIO POLICE FORCES.

IT HAS BEEN INDICATED IN CHAPTER 2 THAT THE EXECUTION OF ALL WARRANTS SHOULD BE CONSIDERED AS AN INHERENT FUNCTION AND RESPONSIBILITY OF POLICE FORCES WHICH COMMAND APPROPRIATE RESOURCES AND SKILLS TO DEAL WITH ANY RESISTANCE THAT MAY BE ENCOUNTERED.

THE SERVING OF SUMMONSES AND SUBPOENAS IN CRIMINAL MATTERS BY POLICE OFFICERS HAS BEEN THE SUBJECT OF A LONG STANDING CONTROVERSY, ESPECIALLY WITH REGARD TO OFFENCES UNDER THE PROVINCIAL LEGISLATION AND THE MUNICIPAL BY-LAWS. THIS PROBLEM HAS BEEN CONSIDERED DURING THE STUDY FROM THE FOLLOWING POINTS OF VIEW:-

- (a) ECONOMICS OF OPERATIONS - MAJOR POLICE FORCES DESIGNATE SEPARATE GROUPS OF POLICE OFFICERS OR OTHER EMPLOYEES, SWORN IN AS PEACE OFFICERS FOR SPECIAL PURPOSES, TO EFFECT ALL SERVICES OF SUMMONSES AND SUBPOENAS THROUGHOUT THE JURISDICTION OF THE POLICE DEPARTMENT.

OTHER POLICE DEPARTMENTS AND ONTARIO PROVINCIAL POLICE DETACHMENTS USE POLICE OFFICERS ON REGULAR PATROL DUTY TO PERFORM THIS TASK WITHOUT EXTRA COST TO THE OPERATIONS.

THE CREATION FOR THIS PURPOSE OF A SEPARATE AND ADDITIONAL SERVICE WITHIN THE COURT SYSTEM WOULD ONLY ADD TO THE PUBLIC COST OF THE OPERATIONS OF THE COURTS AND THE ENFORCEMENT AGENCIES WITHOUT SUBSTANTIAL SAVINGS TO POLICE DEPARTMENTS AS A WHOLE.

- (b) EFFICIENCY OF SERVICE - THE SERVICE OF SUMMONSES AND SUBPOENAS USUALLY FOLLOWS A COMPLETE INVESTIGATION OF EACH CRIMINAL CASE BY THE ENFORCEMENT AGENCY. PRIOR TO PROVIDING THIS SERVICE, POLICE DEPARTMENTS USUALLY HAVE COMPLETE KNOWLEDGE OF THE WHEREABOUTS AND OTHER DETAILS RELATING TO THE PERSONS INVOLVED AS ACCUSED AND WITNESSES IN EACH CASE. THEY CAN, THEREFORE, PROVIDE MOST TIMELY AND EFFECTIVE SERVICE. IF ACCUSED PERSONS AND/OR WITNESSES CAN NOT BE FOUND WITHIN THE JURISDICTION OF A POLICE FORCE THE HIGHLY DEVELOPED COMMUNICATION SYSTEM AND CO-OPERATION AMONG POLICE DEPARTMENTS RESULTS IN THE SPEEDY LOCATION OF SUCH PERSONS REQUIRED FOR TRIAL.
- (c) CONVENIENCE TO POLICE AND THE COURTS - PRACTICALLY ALL CRIMINAL PROCEEDINGS, WITH VERY FEW EXCEPTIONS OF SO CALLED "PRIVATE PROSECUTIONS", ARE COMMENCED AT THE INSTANCE OF THE CROWN BY POLICE FORCES IN THE EXECUTION OF THEIR LAW ENFORCEMENT FUNCTIONS. THE SERVICING OF SUMMONSES AND SUBPOENAS BY POLICE ENSURES THAT THE PARTIES FOR COURT HEARINGS, INCLUDING POLICE WITNESSES, ARE ASSEMBLED TOGETHER FOR THE CONVENIENCE OF THE POLICE FORCE AND OF THE COURT WITHOUT UNNECESSARILY ADJOURNING THE HEARINGS BY REASON OF DELAYED SERVICES BY SOME OTHER AGENCY.
- (d) EXISTING AND PENDING LEGISLATION - THE EXISTING LEGISLATION RELATING TO BOTH INDICTABLE AND SUMMARY CONVICTION PROCEEDINGS IMPOSES A PERSONAL SERVICE BY A PEACE OFFICER OF EVERY SUMMONS AND SUBPOENA IRRESPECTIVE WHETHER THE PROCEEDINGS RELATE TO THE CRIMINAL CODE, OTHER FEDERAL STATUTES, PROVINCIAL LEGISLATION OR MUNICIPAL BY-LAWS. THE PROCEEDINGS

UNDER THE PROPOSED PROVINCIAL OFFENCES ACT, IF AND WHEN PASSED BY THE LEGISLATURE OF ONTARIO, WOULD ELIMINATE AT LEAST 80% OF INSTANCES WHERE A PERSONAL SERVICE OF A SUMMONS OR SUBPOENA WOULD BE REQUIRED BY LAW. IT IS IN THE INTEREST OF BOTH THE LAW ENFORCEMENT AGENCIES AND THE COURTS THAT PROCESS DOCUMENTS IN MORE SERIOUS CRIMINAL MATTERS AND PROVINCIAL OFFENCES CONTINUE TO BE SERVED BY POLICE CONSTABLES UNDER THE DIRECTION OF POLICE ADMINISTRATION AND IN CLOSE CO-OPERATION WITH CROWN ATTORNEYS. THE FINANCIAL IMPLICATIONS OF THIS SERVICE WILL BE SUBSTANTIALLY REDUCED FOLLOWING THE ENACTMENT OF THE PROVINCIAL OFFENCES ACT.

WARRANTS OF COMMITTAL FOR NON-PAYMENT OF FINES AND THE
EXECUTION OF DISTRESS WARRANTS

WARRANTS OF COMMITTAL FOR NON-PAYMENT OF FINES WITHIN THE PERIOD FIXED BY THE COURT ARE A FORM OF A WARRANT FOR APPREHENSION AND IMPRISONMENT. UNDER THE PRESENT LEGISLATION, SUCH WARRANTS ARE ISSUED PURSUANT TO THE PROVISIONS OF SECTION 646 AND 722 OF THE CRIMINAL CODE OF CANADA IN RESPECT OF FINES IMPOSED UNDER THE CODE AND OTHER FEDERAL LEGISLATION. WARRANTS OF COMMITTAL UPON DEFAULT IN PAYMENT OF A FINE IMPOSED UNDER THE PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS ARE ISSUED PURSUANT TO SECTION 14 OF THE SUMMARY CONVICTIONS ACT, R.S.O. 1970, CHAPTER 450.

THE EXECUTION OF WARRANTS OF COMMITTAL WHICH INVOLVES APPREHENSION AND IMPRISONMENT REPRESENTS AN INHERENT FUNCTION AND RESPONSIBILITY OF POLICE FORCES, FEDERAL, PROVINCIAL AND MUNICIPAL.

IN EXECUTING WARRANTS OF COMMITTAL ISSUED UNDER THE PROVINCIAL SUMMARY CONVICTIONS PROCEDURES, POLICE OFFICERS OF MUNICIPAL POLICE DEPARTMENTS WOULD ACCEPT, IF OFFERED, THE FULL AMOUNT OF FINES AND COSTS INSTEAD OF ARRESTING THE DEFAULTER. THE INSTRUCTIONS ISSUED TO THE ONTARIO PROVINCIAL POLICE OFFICERS FORBID SUCH OFFICERS TO ACCEPT PERSONALLY, THE AMOUNT OF THE FINE AND COST IF SUCH IS OFFERED, HOWEVER, INSTEAD OF ARRESTING A PERSON IN SUCH CIRCUMSTANCES, THE DEFAULTER IS TAKEN BY THE POLICE OFFICER

TO THE NEAREST JUSTICE OF THE PEACE WHO WOULD ACCEPT THE PAYMENT. THE ABOVE MENTIONED PROCEDURE SAVES A GREAT NUMBER OF DEFAULTERS FROM GOING TO JAIL AND REDUCES THE COST OF THE EXECUTION OF WARRANTS OF COMMITTAL.

THE PROCEDURE IS DIFFERENT WHERE A DEFAULTER IN PAYMENT OF A FINE IS A CORPORATION. THE PROVISIONS REGULATING THE ENFORCEMENT OF FINES ON CORPORATIONS ARE CONTAINED IN SECTION 648 OF THE CRIMINAL CODE OF CANADA IN RESPECT OF FINES IMPOSED UNDER THE CODE AND OTHER FEDERAL LEGISLATION AND IN SECTION 13 OF THE SUMMARY CONVICTIONS ACT WITH REGARD TO FINES IMPOSED FOR THE VIOLATION OF THE PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS.

ACCORDING TO THE CRIMINAL CODE, WHERE A FINE IS NOT PAID WITHIN THE PRESCRIBED TIME LIMIT BY THE COURT THE PROSECUTOR, MAY, BY FILING THE CONVICTION IN THE SUPERIOR COURT OF THE PROVINCE IN WHICH THE TRIAL WAS HELD, ENTER AS A JUDGEMENT THE AMOUNT OF THE FINE AND COSTS AND THAT JUDGEMENT IS ENFORCEABLE AGAINST THE CORPORATION BY MEANS OF A WRIT OF EXECUTION. IF THE FINE AGAINST THE CORPORATION WERE IMPOSED UNDER SUMMARY CONVICTION PROCEEDINGS OF THE CODE, THE RECOVERY MAY BE ENFORCED THROUGH CIVIL PROCESSES.

IF A FINE IMPOSED UPON A CORPORATION FOR AN OFFENCE UNDER PROVINCIAL LEGISLATION OR AN MUNICIPAL BY-LAW IS IN DEFAULT, THE COURT MAY ISSUE A WARRANT OF DISTRESS AGAINST THE DEFAULTING CORPORATION.

ALL WRITS OF EXECUTION AND DISTRESS WARRANTS RELATING TO FINES UNDER PROVINCIAL LEGISLATION, EXCLUDING MUNICIPAL BY-LAWS ARE NOW ENFORCED BY SHERIFFS.

DISTRESS WARRANTS RELATING TO DEFAULTS IN THE PAYMENT OF FINES ARISING FROM THE VIOLATION OF MUNICIPAL BY-LAWS ARE FORWARDED TO MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE FOR EXECUTION. THESE ENFORCEMENT AGENCIES ARE NEITHER SUITABLE NOR EXPERIENCED IN SIEZURE OF GOODS AND CHATTELS AND

MANY DISTRESS WARRANTS OF THIS CATEGORY ARE RETURNED TO MUNICIPALITIES OR ARE OUTSTANDING IN THE HANDS OF POLICE DEPARTMENTS. CONSIDERATION SHOULD BE GIVEN TO TRANSFER THE RESPONSIBILITY FOR EXECUTING DISTRESS WARRANTS RELATING TO MUNICIPAL FINES ON CORPORATIONS TO SHERIFFS' OFFICES.

SEARCH WARRANTS

SEARCH WARRANTS ARE ISSUED UNDER THE GENERAL PROVISIONS OF SECTION 443 OF THE CRIMINAL CODE AND SEVERAL OTHER SECTIONS APPLICABLE TO SPECIFIC CIRCUMSTANCES UNDER THE CODE, UNDER SECTION 10 OF THE NARCOTIC CONTROL ACT (WHICH INCLUDES THE ISSUE OF "A WRIT OF ASSISTANCE" BY THE EXCHEQUER COURT OF CANADA TO ENTER AT ANY TIME THE DWELLING HOUSE AND SEARCH FOR NARCOTICS) AND UNDER THE PROVISIONS OF SECTION 16 OF THE SUMMARY CONVICTIONS ACT, FOR THE INVESTIGATION OF OFFENCES THAT MAY BE COMMITTED UNDER THE PROVINCIAL LEGISLATION.

THESE WARRANTS ARE ISSUED FOR THE PURPOSE OF FACILITATING INVESTIGATIONS BY LAW ENFORCEMENT AGENCIES. THE EXECUTION OF SUCH WARRANTS HAS ALWAYS BEEN CONSIDERED AS AN INHERENT RESPONSIBILITY OF THE POLICE AT ALL LEVELS.

CHAPTER 8 - PROVINCIAL COURTS (FAMILY DIVISION)
SPECIAL CONSIDERATIONS

THE PROVINCIAL COURTS (FAMILY DIVISION) REQUIRE SPECIAL CONSIDERATION IN THIS STUDY FOR THE FOLLOWING REASONS:-

1. INVOLVED AND VARIED JURISDICTION.
2. RESOLUTION OF EMOTIONALLY CHARGED FAMILY DISPUTES.
3. CLOSE INTERACTION WITH THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES.
4. COMPLIMENTARY ACTIVITY WITH THE CHILDRENS AID SOCIETIES.
5. COMMUNITY ORIENTED ROLE OF POLICE DEPARTMENTS IN THE OPERATIONS OF THE COURTS.
6. POLICE PROSECUTIONS IN FAMILY COURTS.

PROVINCIAL COURTS (FAMILY DIVISION), PREVIOUSLY KNOWN AS JUVENILE AND FAMILY COURTS WERE INITIALLY ORGANIZED BY MUNICIPALITIES ON A VOLUNTARY BASIS WITH FULL MUNICIPAL FINANCING. EFFECTIVE AUGUST 1, 1966, ON THE BASIS OF A MUTUAL PROVINCIAL-MUNICIPAL AGREEMENT, THE ADMINISTRATION OF METROPOLITAN TORONTO JUVENILE AND FAMILY COURT WAS TAKEN OVER BY THE PROVINCE. THE JUDGES OF THIS COURT WERE GIVEN, AT THAT TIME, THE STATUS OF MAGISTRATES AND WERE ABSORBED ON THE PROVINCIAL PAYROLL TOGETHER WITH THE ADMINISTRATIVE STAFF AND THE STAFF OF THE OBSERVATION AND DETENTION HOME ADJACENT TO THAT COURT. THE FINANCIAL RESPONSIBILITY FOR THE MAINTENANCE OF THE COURT WAS THEN DIVIDED AT 90% TO BE PAID BY THE METROPOLITAN MUNICIPALITY AND 10% BY THE PROVINCE.

ON JANUARY 1, 1968, THE PROVINCE ABSORBED COMPLETE FINANCIAL AND ADMINISTRATIVE RESPONSIBILITY FOR ALL JUVENILE AND FAMILY COURTS THEN IN EXISTANCE IN THE PROVINCE, TOGETHER WITH THE OBSERVATION AND DETENTION HOMES THAT HAD BEEN OPERATING AT THAT TIME.

BY THE PROVINCIAL COURTS ACT, 1968, CHAPTER 103, THE JUVENILE AND FAMILY COURTS CEASED TO EXIST AND WERE RENAMED AS "PROVINCIAL COURTS (FAMILY DIVISION)". THIS ACT ALSO INSTITUTED A PROVINCIAL COURT (FAMILY DIVISION) FOR EACH COUNTY AND DISTRICT OF THE PROVINCE.

IN JULY, 1977, AS A RESULT OF FEDERAL PROVINCIAL NEGOTIATIONS, A NEW TYPE OF COURT DEALING WITH FAMILY AND JUVENILE MATTERS WAS ESTABLISHED ON AN EXPERIMENTAL BASIS FOR THE JUDICIAL DISTRICT OF HAMILTON-WENTWORTH AT HAMILTON, UNDER THE NAME OF "UNIFIED FAMILY COURT". ACCORDING TO THE GOVERNMENT'S RECENT PRONOUNCEMENT, THIS NEW TYPE OF COURT WITH SUBSTANTIALLY EXTENDED JURISDICTION IN FAMILY AND JUVENILE MATTERS WAS CONSIDERED AS A MODEL FOR A GRADUAL REFORM OF THE COURT SYSTEM IN THIS FIELD.

JURISDICTION

THE PRESENT JURISDICTION OF THE PROVINCIAL COURTS (FAMILY DIVISION) CONSISTS OF A COMBINATION OF CIVIL AND CRIMINAL JURISDICTION AND FALLS WITHIN THE FOLLOWING CATEGORIES:

- INTER-SPOUSAL RIGHTS AND OBLIGATIONS (SUPPORT, FREEDOM FROM MOLESTATION, POSSESSION OF THE MATRIMONIAL HOME, ETC.);
- PARENT-CHILD RIGHTS AND OBLIGATIONS (SUPPORT, CUSTODY, ACCESS, FREEDOM FROM MOLESTATION, ETC.);
- CHILD PROTECTION AND NEGLECT;
- CRIMINAL CONDUCT OF JUVENILE OFFENDERS AND ADULT OFFENDERS IN RESPECT OF INTRA-FAMILY CRIMES AND CRIMES AGAINST INFANTS (JUVENILE DELIQUENCY, CONTRIBUTING TO DELIQUENCY, ASSAULTS, THREATS, INCEST, ETC.).

THE JURISDICTION OF THE COURT ARISES FROM THE FOLLOWING LEGISLATION; THE FAMILY LAW REFORM ACT, THE RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT, THE CHILD WELFARE ACT, THE JUVENILE DELIQUENTS ACT (CANADA), THE EDUCATION ACT, THE TRAINING SCHOOLS ACT, THE MINOR PROTECTION ACT AND CERTAIN SECTIONS RELATING TO INTRA-FAMILY CRIMES OF THE CRIMINAL CODE OF CANADA.

THE UNIFIED FAMILY COURT OF THE JUDICIAL DISTRICT OF HAMILTON-WENTWORTH IS PRESIDED OVER BY THREE FEDERALLY APPOINTED JUDGES WITH THE STATUS OF COUNTY COURT JUDGES. IN ADDITION TO THE JURISDICTION ABOVE INDICATED, THIS COURT EXERCISES THE JURISDICTION OF COUNTY COURT JUDGES IN MATRIMONIAL AND ADOPTION MATTERS.

FAMILY DISPUTES

THE EMOTIONAL REACTIONS INVOLVED IN A PROVINCIAL COURT APPEARANCE ARE SIGNIFICANTLY HIGHER THAN THOSE EXPERIENCED BY LITIGANTS IN THE SUPREME AND COUNTY COURTS BY REASON OF:

- IN CRIMINAL MATTERS THE ACCUSED IS OFTEN BROUGHT TO PROVINCIAL COURT IMMEDIATELY AFTER APPREHENSION WHEN EMOTIONS FROM ARREST AND SEPARATION FROM THE FAMILY ARE HIGH. WHILE THE ACCUSED FACES TRIAL IN THE SUPREME OR COUNTY COURT LONG AFTER HIS APPREHENSION AND USUALLY AFTER THE FIRST APPEARANCE IN PROVINCIAL COURT FOR BAIL APPLICATIONS, PRELIMINARY HEARINGS, ETC., THE TIME LAG BETWEEN THE APPREHENSION AND TRIAL IS SIGNIFICANTLY LENGTHY AND TENDS TO DULL THE EMOTIONAL RESPONSE TO THE TRIAL.
- IN MATRIMONIAL MATTERS THE PROVINCIAL COURTS ARE FACED WITH DISPUTING SPOUSES DURING THE CURRENCY OF A RECENT SEPARATION WHEN THE PHYSICAL, ECONOMIC AND EMOTIONAL ASPECTS OF LIFE ARE IN A STATE OF UPHEAVAL AND HOPELESSNESS. IN MATRIMONIAL MATTERS TRIED IN THE SUPREME AND COUNTY COURTS, THE TIME LAG IS AGAIN SIGNIFICANT BEFORE THE FINAL TRIAL OR OTHER RESOLUTIONS ARE MADE BY THE COURT.

ACCORDINGLY, WHEN LITIGANTS FIND THEMSELVES WITH HEAVILY PRESSING LEGAL AND EMOTIONAL PROBLEMS, THEY REQUIRE INDIVIDUALIZED TREATMENT WHICH SHOULD BE AFFORDED, PRIOR TO ANY TRIAL OF THIS KIND BY APPROPRIATE SOCIAL SUPPORTING SERVICES TO THE COURT. IN THE ATMOSPHERE OF HIGH EMOTIONAL EXPRESSIONS DURING TRIALS AT FAMILY COURTS, THE PROVISION OF APPROPRIATE SECURITY IS NECESSARY, NOT ONLY FOR THE PROTECTION OF JUDGES AND COURT OFFICIALS BUT MAINLY FOR THE PROTECTION OF LITIGANTS AND THEIR WITNESSES.

THE COURTS AND THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES

PRIOR TO THE TRANSFER OF RESPONSIBILITIES FOR THE ADMINISTRATION AND MAINTENANCE OF JUVENILE OBSERVATION AND DETENTION HOMES FROM THE MINISTRY OF THE ATTORNEY GENERAL AND OF JUVENILE TRAINING SCHOOLS FROM THE MINISTRY OF CORRECTIONAL SERVICES TO THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES, THE OPERATIONS OF PROVINCIAL COURTS (FAMILY DIVISION) WERE CLOSELY INTERLINKED WITH THOSE OF THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES IN MATTERS ARISING FROM THE PROVISIONS OF THE CHILD WELFARE ACT, THE CHILDRENS MAINTENANCE ACT, THE DESERTED WIVES AND CHILDRENS MAINTENANCE ACT, THE CHILDRENS INSTITUTIONS ACT, THE FAMILY BENEFITS ACT AND THE GENERAL WELFARE ASSISTANCE ACT.

THIS INTERACTION BETWEEN THE COURTS AND THE MINISTRY HAS MANIFESTED ITSELF IN THE PLACEMENT OF CHILDREN DECLARED BY THE COURTS AS "IN NEED OF CARE AND PROTECTION" OR AS "DELIQUENT" AT FOSTER HOMES, GROUP HOMES, HOMES AND INSTITUTIONS ADMINISTERED BY THE CHILDRENS AID SOCIETY OR OTHER COMMUNITY ORGANIZATIONS CARING FOR CHILDREN.

THE OTHER FIELD OF CLOSE CO-OPERATIONS HAS BEEN THE GRANTING OF WELFARE AND OTHER FAMILY BENEFITS BY THE MINISTRY AT THE INSTANCE OF THE COURTS TO DESERTED WIVES AND CHILDREN AND AT THE SAME TIME CO-OPERATION IN THE ENFORCEMENT OF MAINTENANCE ORDERS ISSUED BY THE COURTS.

SINCE AUGUST, 1977, THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES ASSUMED COMPLETE RESPONSIBILITY FOR THE ADMINISTRATION OF THE JUVENILE OBSERVATION AND DETENTION CENTRES AND HOMES, PSYCHIATRIC ASSESSMENT CLINICS, JUVENILE TRAINING SCHOOLS AND OTHER CHILD CARE REHABILITATION INSTITUTIONS.

A NUMBER OF EXTENSIVE STUDIES INITIATED BY THE CHILDRENS' DIVISION OF THE MINISTRY IN MATTERS OF CHILD CARE AND REHABILITATION WERE UNDERTAKEN. TWO SUCH INQUIRIES RELATING TO THE OPERATIONS OF THE OBSERVATION AND DETENTION HOMES AND THE INTERACTION OF THE MINISTRY WITH THE PROVINCIAL COURTS (FAMILY DIVISION) IN JUVENILE MATTERS HAVE BEEN OF SPECIAL INTEREST TO THIS STUDY. FOLLOWING ARE THE ISSUES OF MUTUAL INTEREST:

- TRANSPORTATION OF DETAINED JUVENILES TO OBSERVATION AND DETENTION HOMES, BETWEEN THE HOMES AND THE COURTS FOR HEARINGS AND TRIALS AND FOLLOWING THE TRIAL TO A PLACE OF COURT DISPOSITION.
- GUARDING OF DETAINED JUVENILES IN COURT PRIOR TO AND DURING HEARINGS AND TRIALS.
- TRANSPORTATION AND GUARDING OF JUVENILES BETWEEN OBSERVATION AND DETENTION HOMES, THE COURTS AND PLACES OF PHYSICAL OR PSYCHIATRIC EXAMINATION OR ASSESSMENT AT THE INSTANCE OF THE COURTS.
- APPREHENSION AND TRANSPORTATION OF A JUVENILE UPON A WARRANT OR COMMITTAL WHEN FAILING TO APPEAR IN COURT BY SUMMONS OR SUBPOENA.
- RESPONSIBILITY FOR MEDICAL CARE OF JUVENILES IN CONFINEMENT.
- ALTERNATIVES TO JUVENILE OBSERVATION AND DETENTION HOMES.

A NUMBER OF DISCUSSIONS HAVE TAKEN PLACE DURING THIS STUDY BETWEEN THE SPECIAL CONSULTANT AND CONSULTANTS AND SENIOR OFFICIALS OF THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES. THESE MATTERS WERE ALSO THOROUGHLY REVIEWED WITH THE CHIEF JUDGE OF PROVINCIAL COURTS (FAMILY DIVISION) HIS HONOUR H.T.G. ANDREWS AND A NUMBER OF CHIEFS AND SENIOR OFFICIALS OF MAJOR MUNICIPAL POLICE DEPARTMENTS.

THIS INVESTIGATION AND RESEARCH RESULTED IN THE DEVELOPMENT OF CERTAIN PRINCIPLES CONCERNING JUVENILES WHO ARE DEALT WITH BY THE COURTS WHICH SHOULD BE, IN THE OPINION OF THE AUTHOR OF THIS REPORT, APPLIED WITH RESPECT TO THE INTERACTION BETWEEN THE RESPONSIBILITIES OF THE POLICE AND THE COURT ON ONE HAND AND THE COURTS AND THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES ON THE OTHER HAND:-

1. WHERE A JUVENILE IS ARRESTED EITHER UPON POLICE INITIATIVE OR ON A WARRANT OF COMMITTAL ISSUED BY THE COURT, RESPONSIBILITY SHOULD REST WITH THE ARRESTING POLICE DEPARTMENT FOR:

- ESCORTING THE JUVENILE TO COURT, GUARDING IN COURT DURING FIRST APPEARANCE AND ESCORTING TO THE INITIAL PLACE OF DETENTION IF SUCH WAS ORDERED BY THE COURT UPON THE FIRST APPEARANCE;
- ESCORTING THE APPREHENDED JUVENILE DIRECTLY TO THE NEAREST OBSERVATION AND DETENTION CENTRE IF THE COURT IS NOT IN SESSION AND IF THE CIRCUMSTANCES OR ARREST JUSTIFIES SUCH DETENTION BEFORE THE FIRST COURT APPEARANCE;
- ESCORTING THE APPREHENDED JUVENILE IN OTHER JURISDICTIONS TO THE SEAT OF THE COURT OF APPROPRIATE JURISDICTION OR IF THE COURT IS NOT SITTING, TO THE NEAREST JUVENILE OBSERVATION AND DETENTION CENTRE.

THE FINANCIAL RESPONSIBILITY FOR TRANSPORTING JUVENILES FROM ANOTHER JURISDICTION TO A COURT OF APPROPRIATE JURISDICTION SHOULD REST WITH THE MINISTRY OF THE ATTORNEY GENERAL; OTHERWISE, SUCH COSTS SHOULD BE BORNE BY THE RESPECTIVE POLICE DEPARTMENT.

2. IT IS VERY UNFORTUNATE THAT AT THE PRESENT TIME THERE ARE ONLY 15 OBSERVATION AND DETENTION CENTRES THROUGHOUT THE PROVINCE. THERE IS ONLY ONE HOME LOCATED IN SAULT STE. MARIE TO SERVE ALL NORTHERN DISTRICTS. A DETAILED SURVEY OF ALL EXISTING DETENTION AND OBSERVATION CENTRES WAS COMPLETED IN NOVEMBER, 1977, BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES UNDER THE TITLE "OPERATIONAL REVIEW - OBSERVATION AND DETENTION HOME PROJECT 050-04". IT IS AN EXCELLENT AND VERY DETAILED REPORT WHICH SHOULD FORM THE BASIS FOR FURTHER EVALUATION AND PLANNING OF THIS SERVICE IN THE PROVINCE.

UNDER IDEAL CONDITIONS AND TO ENSURE THE MOST ECONOMIC, PRACTICAL AND CONVENIENT MANNER FOR THE CO-OPERATION BETWEEN THE COURTS, JUVENILE OBSERVATION AND DETENTION HOMES AND OTHER JUVENILE REHABILITATION INSTITUTIONS, THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES SHOULD UNDERTAKE TO INSTITUTE AND PROVIDE THE FOLLOWING SERVICES:

- ESCORTING JUVENILES BETWEEN DETENTION HOMES AND THE COURTS FOR TRIAL AND GUARDING SUCH JUVENILES IN COURT DURING HEARINGS AND TRIALS.
- ESCORTING JUVENILES FOR MEDICAL AND PSYCHIATRIC EXAMINATIONS. IF SUCH EXAMINATION IS CONDUCTED AT THE DIRECTION OF THE COURT, THE MEDICAL FEES, IF ANY, SHOULD BE PAID BY THE MINISTRY OF THE ATTORNEY GENERAL. IF THE EXAMINATION IS REQUIRED AT THE INSTANCE OF THE HOME MANAGEMENT, THE CHARGE SHOULD BE BORNE BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES.

- WHENEVER, AT THE CONCLUSION OF A TRIAL A JUVENILE IS ORDERED TO BE PLACED IN A TRAINING SCHOOL OR OTHER INSTITUTION ADMINISTERED BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES, SUCH JUVENILE SHOULD BE RETURNED TO THE OBSERVATION AND DETENTION HOME AND APPROPRIATE ARRANGEMENTS MADE BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES TO CONVEY SUCH JUVENILE TO THE PROPER INSTITUTION.

THE ABOVE MENTIONED SUGGESTIONS SHOULD BE CONSIDERED AS AN ULTIMATE AIM BY REASON OF A SHORTAGE OF OBSERVATION AND DETENTION HOMES WITH APPROPRIATE FACILITIES. IN THE MEAN-TIME, HOWEVER, OTHER SHORT TERM ARRANGEMENTS SHOULD BE MADE IN REGARD TO AT LEAST EIGHT ILL-EQUIPED JUVENILE OBSERVATION AND DETENTION FACILITIES.

THE OBSERVATION AND DETENTION HOMES AT TORONTO, HAMILTON, LONDON, OTTAWA AND WITH MINOR IMPROVEMENT, AMHERSTBERG, SAULT STE. MARIE, OSHAWA AND KINGSTON MAY BE READILY ADAPTED TO PROVIDE THE FULL RANGE OF TRANSPORTATION AND CUSTODIAL SERVICES FOR JUVENILES TO MAJOR PROVINCIAL COURTS (FAMILY DIVISION).

CHILDREN'S AID SOCIETIES

THE CHILDRENS AID SOCIETIES AND THE PROVINCIAL COURTS (FAMILY DIVISION) EXERCISE COMPLEMENTARY RESPONSIBILITIES FOR THE CARE, WELFARE AND APPROPRIATE UPBRINGING OF CHILDREN WHO ARE IN NEED OF SUCH CARE AND VERY OFTEN OF PROTECTION. BOTH INSTITUTIONS ARE TOTALLY FINANCED FROM PUBLIC FUNDS AND THEIR FUNCTIONS AND RESPONSIBILITIES TOWARDS THE COMMUNITY ARE REGULATED BY STATUTES SUCH AS THE CHILD WELFARE ACT, THE EDUCATION ACT, THE JUVENILE DELIQUENTS ACT, THE FAMILY LAW REFORM ACT AND OTHERS. WHENEVER A CHILD BY REASON OF MISTREATMENT, NEGLECT OR LACK OF PARENTAL SUPPORT AND CARE IS CONSIDERED AS BEING IN NEED OF PROTECTION, THE CHILDRENS AID SOCIETY MUST APPLY TO THE PROVINCIAL COURT

(FAMILY DIVISION) FOR AN ORDER REMOVING SUCH CHILD FROM THE EXISTING ENVIRONMENT AND PLACING HIM OR HER UNDER ITS' DIRECT CARE AND CONTROL. IN OTHER INSTANCES WHERE A CHILD FINDS HIMSELF IN CONFLICT WITH THE LAW, THE COURT MAY, BY AN ORDER, PUT SUCH CHILD INTO THE CARE OF THE CHILDRENS AID SOCIETY. IN OTHER INSTANCES, THE CHILDRENS AID SOCIETIES PROVIDE TEMPORARY SHELTERS AT THE REQUEST OF POLICE OR COURT TO ACCOMMODATE LOST OR RUNAWAY CHILDREN. IN SHORT, THE CHILDRENS AID SOCIETIES SUPPLEMENT THE WORK OF THE COURTS AND THE COURTS FACILITATE AND COMPLEMENT THE WORK OF THE SOCIETIES ON A DAY TO DAY BASIS.

THERE IS AN ACUTE SHORTAGE OF APPROPRIATE JUVENILE OBSERVATION AND DETENTION HOMES IN THE VICINITY OF MANY COURTS AND THE CHILDRENS AID SOCIETIES OPERATE CHILD SHELTERS IN PRACTICALLY EVERY COUNTY AND DISTRICT. IT WOULD BE, THEREFORE, ADVISABLE TO EXPLORE WHETHER SOME OF THE CHILDREN APPREHENDED BY POLICE SHOULD NOT BE PLACED IN ONE OF THE SOCIETIES' CENTRES BEFORE APPEARING IN COURT. THIS ARRANGEMENT WOULD BE LESS COSTLY, EVEN WITH THE PROVISION OF A LOCAL GUARD AND MORE CONVENIENT TO BOTH THE COURT AND THE POLICE THAN TRANSPORTING A JUVENILE SEVERAL MILES TO AN OBSERVATION AND DETENTION HOME IN POLICE CRUISERS.

POLICE COMMUNITY INVOLVEMENT

MOST OF THE DOMESTIC QUARRELS AND MISUNDERSTANDINGS AND ALSO, THE LARGEST NUMBER OF ACTS OF JUVENILE MISBEHAVIOR TAKE PLACE IN THE EVENINGS OR AT NIGHT WHEN ONLY A FEW OF THE SOCIAL AGENCIES COMPETENT TO ATTEND TO SUCH PROBLEMS ARE ACTIVE. THIS VACUUM HAS BEEN FILLED BY THE MAJORITY OF MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE BY PROVIDING SPECIAL TRAINING TO POLICE OFFICERS IN THE PROCESS OF RESOLUTION OF THESE COMMUNITY PROBLEMS. A NUMBER OF THE LARGER POLICE FORCES HAVE SPECIALISTS WHO ATTEND FAMILY CALLS AT ODD HOURS. PATROL OFFICERS IN MOST POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE ARE ALSO INSTRUCTED IN APPROPRIATE HANDLING OF THESE CALLS DURING THEIR PATROL DUTY.

BOTH THE ONTARIO PROVINCIAL POLICE AND MUNICIPAL POLICE DEPARTMENTS HAVE DEVELOPED SPECIAL YOUTH SERVICE OFFICERS OR YOUTH BUREAUS WHO CONCENTRATE THEIR EFFORTS ON THE PREVENTION OF CRIME AMONG YOUTH AND ARE INVOLVED IN MANY COMMUNITY PROGRAMS WITH YOUNG PEOPLE.

THESE OFFICERS CO-OPERATE VERY CLOSELY WITH OUR PROVINCIAL COURTS (FAMILY DIVISION) AND ACT IN MANY INSTANCES AS COUNSELLORS AND ADVISORS TO THE COURTS AND TO THE PERSONS INVOLVED IN THE COURT PROCEEDINGS RELATING TO DOMESTIC OR JUVENILE PROBLEMS. THE NUMBER OF CASES ARISING FROM FAMILY DISPUTES AND POSSIBLE JUVENILE DELIQUENCY HAVE BEEN SUBSTANTIALLY REDUCED AS A RESULT OF THIS COMMUNITY INVOLVEMENT BY POLICE FORCES.

THIS ACTIVITY OF OUR POLICE FORCES SHOULD BE EXTENDED, RECOGNIZED AND FULLY SUPPORTED BY OUR COURTS AND SOCIAL AGENCIES.

POLICE PROSECUTIONS

WHENEVER THE PROVINCIAL COURTS (FAMILY DIVISION) DEALS WITH AN INDICTABLE OFFENCE AGAINST AN ADULT PERSON IT ASSUMES THE JURISDICTION OF THE PROVINCIAL COURT (CRIMINAL DIVISION). THE SAME APPLIES TO PROCEEDINGS AGAINST AN ADULT UNDER PART XXIV OF THE CRIMINAL CODE - SUMMARY CONVICTIONS. THE PROSECUTIONS IN RESPECT OF INDICTABLE OFFENCES ARE CONDUCTED BY CROWN ATTORNEYS OR SPECIAL PROSECUTING COUNSEL, HOWEVER, IN MATTERS OF SUMMARY CONVICTIONS SUCH PROSECUTIONS ARE STILL CONDUCTED, AS A RULE, BY POLICE OFFICERS. THE REMARKS, THEREFORE, MADE IN THE PRECEDING CHAPTER 3 AND RELATING TO PROSECUTIONS BY POLICE IN THE PROVINCIAL COURTS (CRIMINAL DIVISION) APPLY ALSO TO ALL SUCH PROSECUTIONS IN THE PROVINCIAL COURTS (FAMILY DIVISION).

THE PROVISIONS OF SUBSECTION 2 OF SECTION 3 OF THE JUVENILE DELIQUENTS ACT (CANADA) PROVIDES THAT:-

3.(2) WHERE A CHILD IS ADJUDGED TO HAVE COMMITTED A DELIQUENCY HE SHALL BE DEALT WITH, NOT AS AN OFFENDER, BUT AS ONE IN A CONDITION OF DELIQUENCY AND, THEREFORE, REQUIRING HELP AND GUIDANCE AND PROPER SUPERVISION.

PROSECUTIONS AND TRIALS OF JUVENILES IRRESPECTIVE WHETHER ARISING FROM THE COMMITMENT OF AN INDICTABLE OFFENCE OR A SUMMARY CONVICTION OFFENCE ARE CONDUCTED, AS A RULE, UNDER THE SUMMARY CONVICTIONS PROCEEDINGS. SOME EXCEPTIONS TO THIS RULE PURSUANT TO SECTION 9 OF THE ACT MAY BE MADE AT THE INSTANCE OF THE COURT WHENEVER A CHILD OVER THE AGE OF 14 YEARS COMMITS A SERIOUS INDICTABLE OFFENCE AND MAY BE DIRECTED FOR TRIAL TO THE ORDINARY CRIMINAL COURT.

IT IS BY REASON OF THE FACT THAT PRACTICALLY ALL CRIMINAL PROCEEDINGS AGAINST JUVENILES ARE PROSECUTED AS SUMMARY CONVICTIONS, THE CROWN ATTORNEYS IN THE PROVINCE HAVE PAID LITTLE ATTENTION TO THIS PROCESS AND JUVENILE PROSECUTIONS IN PROVINCIAL COURTS (FAMILY DIVISION) CONTINUE TO BE CONDUCTED ALMOST EXCLUSIVELY BY POLICE OFFICERS, OFTEN QUITE INEXPERIENCED TO PERFORM THIS FUNCTION, ESPECIALLY WHERE A CHILD OR HIS FAMILY IS REPRESENTED BY COUNSEL.

IN VIEW OF THIS SITUATION AND THE SPECIFIC PROVISIONS OF THE JUVENILE DELIQUENTS ACT, IT IS NECESSARY THAT ALL CROWN ATTORNEYS AND ASSISTANT CROWN ATTORNEYS PAY MORE ATTENTION TO JUVENILE PROCEEDINGS IN THIS COURT, THAT THEY PERSONALLY PROSECUTE WHENEVER AN INDICTABLE OFFENCE IS INVOLVED AND THAT MORE PROVINCIAL PROSECUTORS BE DESIGNATED AND SPECIALLY TRAINED TO APPEAR AT JUVENILE TRIALS AS PROSECUTORS.

THE ROLE OF POLICE OFFICERS IN THE OPERATIONS OF THIS COURT WITH REGARD TO JUVENILES SHOULD BE LIMITED TO APPEARANCES AS WITNESSES, COUNSELLORS AND ADVISORS.

IT IS ALSO CONSIDERED, THAT A POSITION OF AN "ADVISORY CROWN ATTORNEY IN JUVENILE MATTERS" BE CREATED IN THE OFFICE OF THE DIRECTOR OF CROWN ATTORNEYS. THIS COUNSEL SHOULD BE RESPONSIBLE FOR THE CO-ORDINATION OF JUVENILE PROSECUTIONS THROUGHOUT THE PROVINCE, PROVIDING EXPERT PROFESSIONAL ADVICE IN THIS FIELD TO CROWN ATTORNEYS AND ASSISTANT CROWN ATTORNEYS AND PROVISION OF TRAINING FOR PROVINCIAL PROSECUTORS APPEARING IN PROVINCIAL COURTS (FAMILY DIVISION).

CHAPTER 9 - COURT SERVICES - SPECIAL ARRANGEMENTS

CHAPTERS 1 TO 8 OF THIS REPORT DEAL WITH THE VOLUME, COSTS, LEGAL CONSIDERATIONS AND, IN SOME INSTANCES, PRACTICAL SUGGESTIONS IN RELATION TO BASIC SERVICES THAT MUST BE PROVIDED TO OUR COURT SYSTEM BY MUNICIPAL POLICE DEPARTMENTS, THE ONTARIO PROVINCIAL POLICE, THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES AND OTHER AGENCIES AND PERSONS. THERE ARE, HOWEVER, A NUMBER OF SPECIFIC LOCAL SITUATIONS WHICH SHOULD BE GIVEN SPECIAL CONSIDERATION IN THIS REPORT. THESE EXCEPTIONAL ARRANGEMENTS ARE THE SUBJECT OF THIS CHAPTER.

PROVINCIAL GRANTS FOR TRANSPORTATION OF PRISONERS FOR TRIAL

ONE SUCH ARRANGEMENT, RELATES TO TRANSPORTATION OF PRISONERS FOR TRIAL AND HAS ARISEN IN CONNECTION WITH THE PROGRESSIVE CLOSURE OF COUNTY AND DISTRICT JAILS AND THEIR REPLACEMENT BY REGIONAL DETENTION CENTRES. THIS ACTION HAS RESULTED IN THE CREATION OF A SPECIAL PROVINCIAL GRANT TO MUNICIPALITIES WITH MUNICIPAL POLICE DEPARTMENTS, PAYABLE BY THE MINISTRY OF CORRECTIONAL SERVICES. THIS GRANT IS NOW RECEIVABLE BY 24 MUNICIPALITIES WHOSE POLICE FORCES, BY REASON OF THE AFOREMENTIONED RELOCATION, MUST COVER GREATER DISTANCES BETWEEN THEIR HEAD-QUARTERS, CORRECTIONAL CENTRES AND THE COURTS. THE GRANT AMOUNTS TO \$1.50 FOR EACH ADDITIONAL MILE TRAVELLED BY MUNICIPAL POLICE OFFICERS WITH PRISONERS. ACCORDING TO THE ESTIMATES OF THE MINISTRY OF CORRECTIONAL SERVICES FOR THE FISCAL YEAR 1978/79, THIS GRANT WILL AMOUNT TO ABOUT \$480,000. THE PAYMENT OF THE GRANT IS BASED ON DETAILED RECORDS MAINTAINED FOR EACH MUNICIPAL POLICE DEPARTMENT INVOLVED BY THE ADMINISTRATION OF THE DETENTION CENTRES. THE ONTARIO PROVINCIAL POLICE IS NOT ENTITLED TO RECEIVE THIS GRANT AND MUST ABSORB THE ADDITIONAL COSTS WITHIN ITS' OWN APPROPRIATION.

THE PAYMENT OF THIS GRANT IS CUMBERSOME AND ITS' WITHDRAWAL SHOULD BE CONSIDERED, TOGETHER WITH THE REVIEW OF GENERAL ARRANGEMENTS TO BE DEVELOPED WITH REGARD TO TRANSPORTATION OF PRISONERS FOR TRIAL.

PROVINCIAL COURT (CRIMINAL DIVISION) FOR THE JUDICIAL DISTRICT OF YORK AND METROPOLITAN TORONTO MUNICIPALITY

THE METROPOLITAN TORONTO POLICE DEPARTMENT HAS DEVELOPED WITHIN ITS ORGANIZATION TWO SECTIONS WHICH ARE EXCLUSIVELY DESIGNATED FOR THE OPERATIONS OF PROVINCIAL COURTS (CRIMINAL DIVISION) IN THE MUNICIPALITY.

THE "COURT BUREAU" CONSISTS OF 113 POLICE OFFICERS AND 7 OTHER EMPLOYEES ENGAGED ON A FULL-TIME BASIS TO PROVIDE COURT SECURITY AND CUSTODIAL SERVICES, TRANSPORTATION OF PRISONERS FOR TRIAL, ASSISTANCE TO CROWN ATTORNEYS IN PROSECUTIONS, ACTING AS COURT ATTENDANTS, ETC. THE ANNUAL COST OF THIS SECTION AMOUNTS TO APPROXIMATELY \$3,500,000.

IN ADDITION, THE METROPOLITAN TORONTO POLICE DEPARTMENT MAINTAINS A "SUMMONS BUREAU" CONSISTING OF 17 POLICE OFFICERS, 100 CADETS AND 45 CLERICAL EMPLOYEES. THE ANNUAL COST OF THIS SECTION AMOUNTS TO APPROXIMATELY \$2,200,000. THIS BUREAU IS MAINLY RESPONSIBLE FOR LAYING INFORMATIONS AND THE SERVICING OF SUMMONSES AND SUBPOENAS IN CRIMINAL MATTERS.

THE PROVINCIAL COURT (CRIMINAL DIVISION) IN TORONTO MAINTAINS, FROM PROVINCIAL BUDGETARY FUNDS "THE COURT SUMMONS BUREAU", CONSISTING OF 50 STAFF MEMBERS, AT A COST OF APPROXIMATELY \$1,000,000 PER ANNUM, INCLUSIVE OF THE COST OF COMPUTERIZED SERVICES. ACCORDING TO A RECENT REVIEW, APPROXIMATELY 75% OF THE OPERATIONS OF THIS OFFICE RELATES TO PARKING TAGS. THIS OFFICE IS RESPONSIBLE FOR TYPING AND SWEARING IN OF INFORMATIONS, ISSUING SUMMONSES AND SUBPOENAS AND COMPUTER PROCESSING OF SUMMONSES IN RESPECT OF PARKING TAGS WHICH HAVE NOT BEEN PRE-PAID. ABOUT 60% OF MAIL SUMMONSES REQUIRE RE-ISSUE FOR PERSONAL SERVICE.

THE PROVINCIAL COURT (CRIMINAL DIVISION) IN TORONTO IS THE ONLY COURT IN THE PROVINCE WHICH ACCEPTS PRE-PAYMENTS FOR PARKING TICKETS ISSUED WITHIN METROPOLITAN TORONTO. THE COST OF THIS SERVICE TO THE PROVINCE AMOUNTS TO APPROXIMATELY \$210,000 PER ANNUM AND SHOULD BE BORNE BY THE MUNICIPALITY OF METROPOLITAN TORONTO OR THE PROCESSING OF PARKING TAGS SHOULD BE TAKEN OVER ENTIRELY BY THE MUNICIPALITY.

ARRANGEMENTS ARE NOW BEING MADE BY THE ADMINISTRATION OF THE PROVINCIAL COURTS (CRIMINAL DIVISION) IN TORONTO FOR CHARTERED BANKS TO ACCEPT PAYMENTS IN RESPECT OF PARKING TAGS AT BANK BRANCHES IN THE SAME WAY AS IT IS DONE WITH HYDRO AND TELEPHONE BILLS. THESE ARRANGEMENTS WILL RESULT IN CONSIDERABLE SAVINGS TO THE PROVINCIAL COURT AND ALSO IN THE INCREASE OF REVENUE TO THE METROPOLITAN MUNICIPALITIES.

SINCE 1974, THE PROVINCIAL COURT (CRIMINAL DIVISION) IN METROPOLITAN TORONTO HAS INSTITUTED SPECIAL TRIBUNAL PROCEDURES FOR ADJUDICATING MINOR TRAFFIC OFFENCES. THESE TRIBUNALS NOW OPERATE IN ALL METROPOLITAN MUNICIPALITIES WITH THE EXCEPTION OF THE CITY OF TORONTO (OLD CITY HALL), WHERE THE CITIZENS HAVE NO OPTION TO APPEAR BEFORE A TRIBUNAL AND ALL MINOR OFFENCES ARE TRIED BY PROSECUTIONS UNDER THE SUMMARY CONVICTIONS ACT. THE ENACTMENT OF THE PROPOSED PROVINCIAL OFFENCES ACT WOULD RECTIFY THE SITUATION AND PROVIDE SIMPLIFICATION IN THE PROCESSING OF MINOR OFFENCES UNDER PROVINCIAL LEGISLATION THROUGHOUT THE PROVINCE.

LONDON COURT HOUSE AND LONDON CITY POLICE

THE LONDON CITY POLICE DEPARTMENT PROVIDED UNTIL JULY 31, 1974, 3 POLICE CONSTABLES ON A FULL-TIME BASIS FOR SECURITY AND TRANSPORTATION OF PRISONERS TO THE PROVINCIAL COURT (CRIMINAL DIVISION) AT LONDON. SINCE AUGUST 1, 1974, THE POLICE DEPARTMENT WAS REQUESTED TO PROVIDE COMPLETE SECURITY IN THE NEW COURT HOUSE FOR THE SUPREME COURT OF ONTARIO, THE COUNTY COURT AND THE PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) FOR THE COUNTY OF MIDDLESEX. THIS ADDITIONAL REQUEST RESULTED IN THE PROVISION

OF 10 POLICE OFFICERS INCLUDING 1 SERGEANT - AN INCREASE OF 7 POLICE OFFICERS. IN ORDER TO APPLY ECONOMIES, THE MUNICIPAL POLICE DEPARTMENT, WITHIN FIVE MONTHS, REPLACED 9 POLICE OFFICERS WITH 9 COURT SECURITY OFFICERS (CIVILIANS IN SPECIAL UNIFORMS). THE ADDITIONAL COST FOR THE FIRST EIGHT MONTHS OF THE FISCAL YEAR 1974/75 AMOUNTED TO \$59,342.

A REVIEW, HOWEVER, OF ACCOUNTS RENDERED TO THE MINISTRY OF THE ATTORNEY GENERAL FOR THE YEARS 1975/76, 1976/77 AND 1977/78 HAS INDICATED THAT THE MUNICIPALITY WAS CHARGING THE MINISTRY WITH ALL ADDITIONAL COSTS IN EXCESS OF \$50,425 (SALARIES OF 3 CONSTABLES IN 1974) INSTEAD OF UPDATING THE ANNUAL SALARIES OF THE ORIGINAL 3 CONSTABLES AND CHARGING THE MINISTRY WITH THE REDUCED BALANCE. WITHIN THE ORIGINAL ARRANGEMENTS, THE AMOUNT PAYABLE BY THE MINISTRY OF THE ATTORNEY GENERAL SHOULD BE THE DIFFERENCE BETWEEN THE TOTAL "CELL BLOCK AND COURT SECURITY COST" LESS THE GROSS SALARIES INCLUDING FRINGE BENEFITS OF 3 FIRST CLASS CONSTABLES AT THE ACTUAL RATES IN EACH YEAR.

THE WATERLOO REGIONAL POLICE DEPARTMENT, FOLLOWING THE TRANSFER OF PROVINCIAL COURTS TO A NEW COURT BUILDING HAD REQUESTED "A PROVINCIAL SUBSIDY FOR ADDITIONAL COURT SECURITY" BASING ITS' SUBMISSION ON THE FACT THAT THE LONDON POLICE DEPARTMENT IS RECEIVING SUCH SUBSIDY.

ACCORDING TO THE PRESENT PRACTICE, COURT SECURITY HAS ALWAYS BEEN PROVIDED BY POLICE DEPARTMENTS TO PROVINCIAL COURTS OF BOTH CRIMINAL AND FAMILY DIVISIONS PRIOR TO AND AFTER JANUARY 1, 1968. ANY EXPANSION IN SECURITY REQUIREMENTS HAS BEEN, AND STILL IS, THE FINANCIAL AND MAN-POWER RESPONSIBILITY OF POLICE DEPARTMENTS.

THE LONDON POLICE DEPARTMENT UNDERTOOK, EFFECTIVE FROM AUGUST 1, 1974, THE RESPONSIBILITY OF MANNING THE CELL BLOCK AND PROVIDING SECURITY FOR THE SUPREME AND THE COUNTY COURT AND ALSO RELIEVED FROM THESE FUNCTIONS THE ONTARIO PROVINCIAL POLICE IN PROVINCIAL COURTS. THE SUBSIDY IS PAID ONLY FOR THESE FUNCTIONS WHICH UP TO AUGUST 1, 1974, WERE FUNDED BY THE ONTARIO GOVERNMENT EITHER THROUGH THE MINISTRY OF THE ATTORNEY GENERAL OR THE MINISTRY OF THE SOLICITOR GENERAL.

THE WATERLOO REGIONAL POLICE FORCE WAS ONLY REQUIRED TO PROVIDE ADDITIONAL SECURITY IN THE PROVINCIAL COURTS AND DID NOT RELIEVE EITHER THE MINISTRY OF THE ATTORNEY GENERAL OR THE MINISTRY OF THE SOLICITOR GENERAL FROM THE PROVISION OF ANY SERVICES TO THE SUPREME AND COUNTY COURTS. THE ONTARIO PROVINCIAL POLICE CONTINUES TO PROVIDE SECURITY WITHIN THEIR OWN RESPONSIBILITIES IN THE PROVINCIAL COURTS OF THE JUDICIAL DISTRICT OF WATERLOO.

SUNDRY ADMINISTRATIVE SERVICES PERFORMED BY POLICE OFFICERS
IN ONTARIO COURTS

AT THE TIME OF COMPLETE ABSORPTION OF RESPONSIBILITY BY THE PROVINCE FOR THE FINANCING AND OPERATIONS OF MAGISTRATES' AND JUVENILE AND FAMILY COURTS, MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE HAD BEEN SUPPLYING A NUMBER OF ADMINISTRATIVE SERVICES TO THESE COURTS. IN MANY INSTANCES, POLICE OFFICERS WERE ACTING AS COURT CLERKS, COURT ATTENDANTS, COURT MESSENGERS AND DOCUMENT DISPATCHERS AND WERE ALSO REQUIRED TO PREPARE COURT CALENDARS, RECORD COURT DISPOSITIONS AND COMPLETE BENCH WARRANTS, PROBATION AND OTHER COURT ORDERS FOR THE SIGNATURES OF THE JUDGES. WITH THE FORMATION OF THE PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) MOST OF THE ABOVE MENTIONED FUNCTIONS HAVE BEEN GRADUALLY TRANSFERRED TO THE ADMINISTRATIVE STAFF OF THE COURT. HOWEVER, BY REASON OF THE RECENT FINANCIAL AND MAN-POWER CONSTRAINTS IMPOSED ON THE ADMINISTRATION OF THE COURTS, SOME OF THE PROVINCIAL COURTS NOT ONLY CONTINUE TO USE POLICE OFFICERS FOR THE ABOVE MENTIONED ADMINISTRATIVE TASKS BUT HAVE DIRECTED REQUESTS TO SOME POLICE DEPARTMENTS TO RESUME THE PROVISION OF THESE FUNCTIONS WHERE SOME OF THE AGREEMENTS WITH CONTRACT EMPLOYEES OF THE COURT HAD TO BE TERMINATED.

THE STUDY HAS DISCLOSED THAT THE FOLLOWING NUMBER OF MUNICIPAL POLICE DEPARTMENTS AND ONTARIO PROVINCIAL POLICE DETACHMENTS RESPECTIVELY, STILL PROVIDE POLICE OFFICERS TO PERFORM THE FOLLOWING ADMINISTRATIVE DUTIES IN PROVINCIAL COURTS:-

TYPE OF SERVICE	PERFORMED BY	
	MUNICIPAL DEPARTMENTS	O.P.P. DETACHMENTS
ACTING AS COURT CLERK	17	15
ACTING AS COURT ATTENDANT	33	32
ACTING AS COURT MESSENGER	24	22
ACTING AS COURT DOCUMENT DISPATCHER	23	16
PREPARING COURT CALENDAR	7	6
REPORTING COURT DISPOSITIONS	16	12
PREPARING COURT ORDERS	9	6

IT IS CONSIDERED THAT THESE ADMINISTRATIVE FUNCTIONS SHOULD BE PERFORMED BY COURT EMPLOYEES AND POLICE OFFICERS SHOULD BE ENTIRELY RELIEVED FROM THESE FUNCTIONS.

ONTARIO GOVERNMENT PROTECTIVE SERVICES

INITIALLY, TO PROVIDE SECURITY IN THE MAIN PARLIAMENT BUILDING AND ESPECIALLY DURING THE SESSIONS OF THE LEGISLATURE, THE ONTARIO PROVINCIAL POLICE CREATED A SPECIAL SECURITY SERVICE UNDER THE NAME OF THE ONTARIO GOVERNMENT PROTECTIVE SERVICES. THIS SERVICE IS STAFFED BY SPECIALLY TRAINED CIVILIAN EMPLOYEES, SOME OF WHOM ARE ALLOWED TO CARRY HAND GUNDS, i.e. WHENEVER ESCORTING EMPLOYEES TO BANKS. AT THE PRESENT TIME, THIS SECURITY BRANCH HAS A COMPLEMENT OF 137. THE TOTAL COST OF THIS SERVICE ACCORDING TO THE ESTIMATES OF THE MINISTRY OF THE SOLICITOR GENERAL AMOUNTS TO \$2,116,900 FOR 1978/79. THIS SECURITY FORCE IS DISTRIBUTED AT PRESENT AS FOLLOWS:

QUEEN'S PARK	80
GEORGE DREW BUILDING (HEADQUARTERS-MINISTRY OF SOLICITOR GENERAL	33
ONTARIO PROVINCIAL POLICE HEADQUARTERS HARBOUR STREET	8
O.P.P. 125 LAKESHORE	8
OSGOODE HALL SUPREME COURT OF ONTARIO	8
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THE PRESENT CONTRIBUTION OF THIS FORCE TO THE ONTARIO COURTS SYSTEM IS VERY LIMITED AND RESTRICTED ONLY TO PROVIDING 8 MEMBERS AT OSGOODE HALL IN TORONTO.

THE AVERAGE GROSS COST OF ONE POLICE OFFICER PER ANNUM IN LARGE POLICE DEPARTMENTS AMOUNTS TO BETWEEN \$30,000 AND \$30,500. THE OVERALL AVERAGE FOR ALL MUNICIPAL POLICE DEPARTMENTS IN THE PROVINCE AMOUNTS TO \$29,000 PER ANNUM. IN COMPARISON, THE GROSS COST OF ONE SECURITY OFFICER OF THE ONTARIO GOVERNMENT PROTECTIVE SERVICE AMOUNTS TO LITTLE LESS THAN \$15,500 PER ANNUM. THESE FIGURES INCLUDE OVERHEADS, FRINGE BENEFITS AND AUXILIARY SECRETARIAL AND CLERICAL SERVICES.

MOST SECURITY AND COURT ATTENDANT FUNCTIONS DO NOT REQUIRE ALL THE SKILLS OF A POLICE OFFICER AND CAN BE PERFORMED AT A MUCH LOWER COST AND WITH LIMITED SPECIALIZED TRAINING BY THE TYPE OF SECURITY OFFICERS OF THE ONTARIO GOVERNMENT PROTECTIVE SERVICES. THIS POSSIBILITY WAS FULLY EXPLORED DURING THIS STUDY WITH THE SENIOR OFFICERS OF THE ONTARIO PROVINCIAL POLICE AS ONE OF THE ALTERNATIVES FOR THE REPLACEMENT OF POLICE OFFICERS IN THE PROVISION OF BASIC CUSTODIAL, SECURITY AND OTHER SERVICES WITHIN OUR PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) AND AT THE SAME TIME AS ONE OF THE OPTIONS FOR THE IMPROVEMENT OF SECURITY SERVICES WITHIN OUR SUPREME, COUNTY AND DISTRICT COURTS.

METROPOLITAN TORONTO FORENSIC SERVICE (METFORS)

BY THE ORDER-IN-COUNCIL NUMBERED O.C. 1417/77, DATED MAY 15, 1977, A FORENSIC PSYCHIATRIC SERVICE WAS ESTABLISHED AT QUEEN STREET MENTAL HEALTH CENTRE IN TORONTO. THIS UNIT IS ADMINISTERED BY A BOARD CONSISTING OF 5 MEMBERS REPRESENTING THE MINISTRY OF THE ATTORNEY GENERAL, THE MINISTRY OF HEALTH, THE MINISTRY OF CORRECTIONAL SERVICES AND THE CLARKE INSTITUTE OF PSYCHIATRY WITH THE CHAIRMAN BEING A PSYCHIATRIST IN CHARGE OF THE SERVICE APPOINTED BY THE ATTORNEY GENERAL ON THE RECOMMENDATION OF THE CLARKE INSTITUTE.

THE FORENSIC PSYCHIATRIC SERVICE IS RESPONSIBLE FOR THE PERFORMANCE OF PSYCHIATRIC EXAMINATIONS AND ASSESSMENTS AT THE INSTANCE OF THE COURTS. THE INITIAL ANNUAL COST OF THIS SERVICE AMOUNTS TO APPROXIMATELY \$1,550,000 OF WHICH ABOUT \$1,305,000 IS PROVIDED FROM THE APPROPRIATION OF THE MINISTRY OF THE ATTORNEY GENERAL AND \$245,000 FROM THE BUDGETARY FUNDS OF THE MINISTRY OF HEALTH.

PROVISION OF MEALS TO PRISONERS AT COURT HEARINGS

MUNICIPAL POLICE DEPARTMENTS, THE ONTARIO PROVINCIAL POLICE AND THE ROYAL CANADIAN MOUNTED POLICE TRANSPORT APPROXIMATELY 100,000 PRISONERS ANNUALLY FROM COUNTY AND DISTRICT COURT JAILS AND REGIONAL DETENTION CENTRES TO COURTS FOR BAIL HEARINGS, REMANDS AND TRIALS. IN MOST INSTANCES, THESE PRISONERS ARE KEPT WITHIN THE COURT CONFINES EITHER IN CELLS OR UNDER GUARD DURING LUNCH HOURS. THE PRACTICE OF PROVIDING MEALS TO THE PRISONERS WHILE ATTENDING HEARINGS AT THE INSTANCE OF THE COURTS DIFFERS FROM LOCALITY TO LOCALITY AND FROM COURT TO COURT. IN THE SUPREME COURT OF ONTARIO AND COUNTY AND DISTRICT COURTS, MID-DAY SNACKS ARE PROVIDED BY THE SHERIFFS FROM COURT FUNDS. IN PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) THE PREVAILING PRACTICE IS THAT THE ESCORTING POLICE FORCE PROVIDES AND FINANCES SUCH MID-DAY MEALS, HOWEVER, IN MANY INSTANCES, THIS RESPONSIBILITY RESTS WITH THE COURT ADMINISTRATION.

THE OFFICIALS OF THE MINISTRY OF CORRECTIONAL SERVICES MAINTAIN THAT THERE ARE NO FACILITIES IN JAILS AND DETENTION CENTRES FOR THE PREPARATION OF BOX LUNCH MEALS FOR PRISONERS CONVEYED TO COURTS. MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE MAINTAIN THAT WHILE THEY PROVIDE SUCH MEALS ON A COMPASSIONATE BASIS, THEY DO NOT FEEL THAT IT SHOULD BE THEIR FINANCIAL RESPONSIBILITY TO PAY FOR SUCH MEALS.

THIS MATTER, WHICH COULD BE CONSIDERED MORE AS AN IRRITANT THAN ONE OF SUBSTANTIAL FINANCIAL MAGNITUDE, HAS BEEN BROUGHT TO THE ATTENTION OF THE SPECIAL CONSULTANT AS REQUIRING A UNIFORM RESOLUTION. THE TOTAL COST INVOLVED WOULD AMOUNT TO APPROXIMATELY \$150,000 PER ANNUM.

PARKING ARRANGEMENTS FOR POLICE OFFICERS AT COURTS

THE LONDON CITY POLICE DEPARTMENT HAS COMPLAINED BITTERLY DURING THE STUDY THAT THE MINISTRY OF GOVERNMENT SERVICES CHARGES PARKING FEES FOR POLICE CRUISERS IN THE GARAGE OF THE LONDON COURT HOUSE. IN THE OPINION OF THE POLICE CHIEF, THE OFFICERS ATTENDING COURT ARE PERFORMING VITAL FUNCTIONS IN THE PROCESS OF THE ADMINISTRATION OF JUSTICE AND THE GOVERNMENT OF ONTARIO SHOULD NOT IMPOSE THIS ADDITIONAL CHARGE ON HIS DEPARTMENT.

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THIS CHAPTER CONCLUDES THE REPORT UPON THE FUNCTIONS, RESPONSIBILITIES AND GENERAL AND LOCAL ARRANGEMENTS RELATING TO THE PROVISION OF SERVICES BY MUNICIPAL POLICE FORCES, THE ONTARIO PROVINCIAL POLICE AND OTHER ORGANIZATIONS OR PERSONS TO THE ADMINISTRATION OF JUSTICE IN ONTARIO AS INDICATED IN THE ORDER-IN-COUNCIL NUMBERED O.C. 2055/77 OF JULY 20, 1977.

THE ENSUING CHAPTERS 10-12 TOGETHER WITH STATISTICAL AND COST ANALYSIS SCHEDULES CONTAINED IN VOLUMES I AND II ATTACHED TO THIS REPORT, HAVE BEEN DEVISED AS AN AID TO MANAGEMENT FOR THE ASSESSMENT OF OPERATIONS WITHIN THE COURT SYSTEM AND ONTARIO POLICE ORGANIZATIONS AND AT THE SAME TIME, AS SUPPORTIVE MATERIAL FOR THE FORMULATION AND SUBSTANTIATION OF THE RECOMMENDATIONS RESULTING FROM THE STUDY.

CHAPTER 10 - FEDERAL, PROVINCIAL AND MUNICIPAL INVOLVEMENT IN
THE ADMINISTRATION OF JUSTICE AND THE LAW ENFORCEMENT
IN THE PROVINCE OF ONTARIO

THIS REPORT DOES NOT PRETEND TO PRESENT A THOROUGH, ANALYTICAL AND CRITICAL REVIEW, AND ASSESSMENT OF FEDERAL, PROVINCIAL AND MUNICIPAL INTERACTION IN THE ADMINISTRATION OF JUSTICE AND THE ENFORCEMENT OF THE LAW IN THE PROVINCE. IT WOULD ATTEMPT, HOWEVER, TO ACCENTUATE CERTAIN FINANCIAL AND OPERATIONAL ASPECTS OF THESE RELATIONSHIPS IN THE LIGHT OF THE PRESENT STATUS QUO AND THE POSSIBILITY OF INFLUENCING APPROPRIATE CHANGES THROUGH OUR PARTICIPATION IN THE NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICE.

ADMINISTRATION OF JUSTICE

APART FROM THE MAINTAINING AND FINANCING OF FEDERAL COURT OPERATIONS WHOSE JURISDICTION IS LIMITED TO RESOLUTION OF INTERNATIONAL CLAIMS, CLAIMS AGAINST AND FOR THE QUEEN IN RIGHT OF CANADA, RESOLUTION OF APPEALS UNDER THE INCOME TAX ACT, GENERAL JURISDICTION IN MATTERS OF ADMIRALTY, CUSTOMS, EXCISE, UNEMPLOYMENT INSURANCE, LABOUR DISPUTES WITHIN FEDERAL JURISDICTION, ETC., THE FEDERAL GOVERNMENT, UNDER THE BRITISH NORTH AMERICA ACT, IS RESPONSIBLE FOR THE APPOINTMENT OF JUSTICES AND JUDGES IN THE SUPREME COURT OF ONTARIO AND COUNTY AND DISTRICT COURTS FOR THE PROVINCE OF ONTARIO. SALARIES AND EXPENSES OF FEDERALLY APPOINTED JUDGES ARE PAID FROM THE APPROPRIATION OF THE FEDERAL MINISTER OF JUSTICE. THE PROVINCE OF ONTARIO, UNDER THE PROVISIONS OF THE EXTRA-JUDICIAL SERVICES ACT, PAYS SMALL ALLOWANCES TO FEDERALLY APPOINTED JUDGES FOR WORK CONNECTED WITH THE PROVINCIAL INQUIRIES, INVESTIGATIONS AND OTHER DUTIES NOT DIRECTLY CONNECTED WITH THEIR COURT WORK.

JUDGES OF THE SURROGATE COURT OF ONTARIO, PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) AND JUDGES OF SMALL CLAIMS COURTS HOLD PROVINCIAL APPOINTMENTS, ALTHOUGH COUNTY AND DISTRICT COURT JUDGES, WHO PERFORM THE FUNCTIONS OF SURROGATE COURT JUDGES, DO NOT RECEIVE ANY SEPARATE REMUNERATION FROM THE PROVINCE. SALARIES, FRINGE BENEFITS AND ALL OTHER EXPENSES IN RELATION TO PROVINCIAL JUDGES AND PROVINCIALY APPOINTED FULL-TIME SMALL CLAIMS COURT JUDGES ARE CHARGED TO THE BUDGETARY APPROPRIATION OF THE ATTORNEY GENERAL OF ONTARIO.

THE COST OF THE ADMINISTRATION OF ALL COURTS OF THE PROVINCE WHICH INCLUDE THE SUPREME COURT OF ONTARIO, (CONSISTING OF THE ONTARIO COURT OF APPEAL AND THE HIGH COURT OF JUSTICE) THE COUNTY AND DISTRICT COURTS, THE PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISIONS) AND THE SMALL CLAIMS COURTS IS PAID FROM THE PROVINCIAL BUDGETARY FUNDS THROUGH THE MINISTRY OF THE ATTORNEY GENERAL. FEDERAL INVOLVEMENT IN THIS RESPECT IS LIMITED TO PAYMENT OF SUBSIDIES FOR THE PROVINCIAL LEGAL AID, THE CRIMINAL INJURIES COMPENSATION FUND AND THE NATIVE COURT WORKERS PROGRAM.

THE CRIMINAL JURISDICTION OF THE COURTS ADMINISTERED BY THE PROVINCE COVERS THE ADJUDICATION OF ALL OFFENCES, BOTH INDICTABLE AND SUMMARY, UNDER THE CRIMINAL CODE OF CANADA AND UNDER ALL FEDERAL AND PROVINCIAL LEGISLATION, WHENEVER A FINE OR IMPRISONMENT IS PRESCRIBED FOR ANY INFRACTION OF SUCH LAWS.

ALL PROSECUTIONS IN THE PROVINCE UNDER THE CRIMINAL CODE OF CANADA AND THE PROVINCIAL LEGISLATION ARE CONDUCTED AT THE INSTANCE OF THE ATTORNEY GENERAL OF THE PROVINCE, AND ALL PRIVATE PROSECUTIONS ARE SUBJECT TO HIS INTERVENTION. PROCEEDINGS INSTITUTED AT THE INSTANCE OF THE GOVERNMENT OF CANADA, IN RESPECT OF VIOLATIONS OF ANY ACT OF CANADA, EXCEPTING THE CRIMINAL CODE, ARE CONDUCTED BY COUNSEL REPRESENTING THE ATTORNEY GENERAL OF CANADA BEFORE OUR COURTS, IN MATTERS OF THE NARCOTIC CONTROL ACT, THE INCOME TAX ACT, THE UNEMPLOYMENT INSURANCE ACT, ETC.

ALL CIVIL AND DIVORCE JURISDICTION WITHIN THE PROVINCE IS VESTED IN THE PROVINCIALLY CREATED COURTS WHICH OPERATE UNDER PROVINCIAL RULES OF PRACTICE APPROVED BY THE LIEUTENANT GOVERNOR IN COUNCIL. SINCE JANUARY 1, 1968, MUNICIPALITIES, APART FROM CERTAIN CONTRACTUAL INVOLVEMENT, IN SOME INSTANCES, REGARDING THE PROVISION AND MAINTENANCE OF COURT ACCOMMODATION, CEASED TO PARTICIPATE IN ANY FINANCIAL OR ADMINISTRATIVE SUPPORT TO THE ONTARIO COURT SYSTEM.

LAW ENFORCEMENT

UNLIKE OTHER PROVINCES OF CANADA, THE PROVINCES OF ONTARIO AND QUEBEC DO NOT BENEFIT FROM ANY SUBSTANTIAL DIRECT OR INDIRECT SUBSIDY FROM THE FEDERAL GOVERNMENT.

MUNICIPAL AND GENERAL POLICING IN ONTARIO PERFORMED BY THE ONTARIO PROVINCIAL POLICE AND 128 MUNICIPAL POLICE DEPARTMENTS IS ENTIRELY FUNDED FROM PROVINCIAL AND MUNICIPAL BUDGETARY APPROPRIATIONS. FEDERAL ASSISTANCE IN THIS RESPECT HAS BEEN LIMITED TO THE MAINTENANCE OF C.P.I.C., PROVIDING ACCESS TO R.C.M.P. POLICE ACADEMY TO PROVINCIAL POLICE OFFICERS AND A SMALL SUBSIDY FOR NATIVE POLICING IN NORTHERN ONTARIO.

ON THE OTHER HAND, PROVINCIAL AND MUNICIPAL POLICE FORCES IN ONTARIO EXTENSIVELY ASSIST THE FEDERAL FORCE IN THE INVESTIGATION OF OFFENCES UNDER SPECIFIC FEDERAL LEGISLATION SUCH AS THE NARCOTIC CONTROL ACT, THE FOOD AND DRUGS ACT AND OTHERS.

IT IS WORTHWHILE NOTING HERE THAT IN 1976 THE TORONTO METROPOLITAN POLICE DEPARTMENT SPENT EXCLUSIVELY FOR NARCOTIC AND DRUGS INVESTIGATIONS A TOTAL AMOUNT OF \$2,300,000 FROM ITS OWN FUNDS. THE ONTARIO PROVINCIAL POLICE MAINTAINS A SEPARATE NARCOTICS UNIT CONSISTING OF 35 EXPERT POLICE OFFICERS AND COSTING THE PROVINCE, WITH OTHER EXPENSES, IN EXCESS OF \$1,000,000 ANNUALLY.

THIS MATTER WAS NOT SUBJECT OF THIS INVESTIGATION AND, THEREFORE, NO ATTEMPT WAS MADE TO ASSESS THE ANNUAL EXPENDITURE OF OTHER LARGE MUNICIPAL POLICE DEPARTMENTS SUCH AS OTTAWA, PEEL, HAMILTON-WENTWORTH, NIAGARA, LONDON AND ESPECIALLY, WINDSOR.

THE ONTARIO PROVINCIAL POLICE FORCE IS FUNDED ENTIRELY FROM PROVINCIAL APPROPRIATIONS. MUNICIPAL POLICE DEPARTMENTS ADMINISTERED MAINLY BY BOARDS OF COMMISSIONERS OF POLICE AND PARTLY BY MUNICIPAL COUNCILS ARE FINANCED FROM MUNICIPAL PROPERTY TAXES WITH SUBSTANTIAL GRANTS FROM THE PROVINCE.

NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICE

THIS TASK FORCE WHICH IS BASED ON THE CLOSE MUTUAL CO-OPERATION OF ALL CANADIAN PROVINCES WITH FEDERAL DEPARTMENTS HAS THE FOLLOWING OBJECTIVES:

- TO EXAMINE THE EXISTING JUSTICE SERVICES IN CANADA;
- TO GATHER DATA RELATING TO THE COST DELIVERY OF THESE JUSTICE SERVICES, INCLUDING OPERATING AND PROJECTED CAPITAL COST;
- TO RECOMMEND MINIMUM STANDARDS FOR JUSTICE SERVICES IN ORDER TO PROVIDE THE GOVERNMENTS WITH THE APPROPRIATE CRITERIA TO DRAW UPON FOR IMPROVING THE EXISTING SERVICES ACCORDING TO THEIR SPECIFIC NEEDS AND RESOURCES.

THE FOLLOWING ARE INCLUDED IN THE MEANING "ADMINISTRATION OF JUSTICE" FOR THE PURPOSES OF THIS NATIONAL TASK FORCE:-

- (a) THE DIVISION OF JURISDICTION AND RESPONSIBILITIES BETWEEN THE FEDERAL AUTHORITIES AND THE PROVINCE;

- (b) THE STRUCTURE, FINANCING AND ADMINISTRATION OF THE COURTS BOTH OF CRIMINAL AND CIVIL JURISDICTION;
- (c) THE ORGANIZATION, STANDARDS, RESPECTIVE RESPONSIBILITIES AND COSTS OF FEDERAL, PROVINCIAL AND MUNICIPAL POLICE SERVICES; AND
- (d) ORGANIZATION, STANDARDS AND COSTS OF FEDERAL AND PROVINCIAL CORRECTIONAL AND REHABILITATIVE SERVICES.

IN 1974 THE PROVINCES OF ONTARIO AND QUEBEC DREW TO THE ATTENTION OF THE FEDERAL GOVERNMENT SERIOUS INEQUITIES IN THE FINANCING OF POLICE SERVICES BETWEEN THESE TWO PROVINCES AND THE REMAINING EIGHT PROVINCES. ONTARIO AND QUEBEC CONTINUES TO FUND THEIR POLICING TO THE EXTENT OF 100% FROM PROVINCIAL AND MUNICIPAL FUNDS WHILE ALL OTHER PROVINCES BENEFIT FROM THE SERVICES OF THE ROYAL CANADIAN MOUNTED POLICE AT SUBSTANTIAL DISCOUNTS IN RELATION TO THE ACTUAL COST OF SUCH SERVICES TO THE FEDERAL GOVERNMENT.

ANOTHER MATTER REQUIRING CLARIFICATION IN FEDERAL, PROVINCIAL RELATIONS IS THE RESPONSIBILITY FOR PROSECUTIONS AND INVESTIGATIONS UNDER SUCH FEDERAL STATUTES AS THE NARCOTIC CONTROL ACT AND THE FOOD AND DRUGS ACT.

IT IS CONSIDERED THAT EXTENSIVE ACTIVE PARTICIPATION OF THE PROVINCE OF ONTARIO IN THE WORK OF THE NATIONAL TASK FORCE ON THE ADMINISTRATION OF JUSTICE SHOULD RESULT IN THE REMOVAL OF EXISTING INEQUITIES IN FUNDING JUSTICE SERVICES AND ALSO IN LIMITING THE INTRUSION OF FEDERAL AUTHORITIES INTO PROVINCIAL MATTERS.

CHAPTER 11 - ONTARIO COURTS SYSTEM - STRUCTURE, FINANCING AND
COST

SECTION 92 OF THE BRITISH NORTH AMERICA ACT PROVIDES:-

"IN EACH PROVINCE THE LEGISLATURE MAY EXCLUSIVELY MAKE LAWS IN RELATION TO MATTERS COMING WITHIN THE CLASSES OF SUBJECTS NEXT HEREINAFTER ENUMERATED, THAT IS TO SAY:

14. THE ADMINISTRATION OF JUSTICE IN THE PROVINCE INCLUDING THE CONSTITUTION, MAINTENANCE AND ORGANIZATION OF PROVINCIAL COURTS, BOTH OF CIVIL AND CRIMINAL JURISDICTION, AND INCLUDING PROCEDURES IN CIVIL MATTERS IN THOSE COURTS".

SECTION 91 OF THE ABOVE MENTIONED BRITISH NORTH AMERICA ACT PROVIDES:-

"...THAT IN (NOTWITHSTANDING ANYTHING IN THIS ACT) THE EXCLUSIVE LEGISLATIVE AUTHORITY OF THE PARLIAMENT OF CANADA EXTENDS TO ALL MATTERS COMING WITHIN THE CLASSES OF SUBJECTS NEXT HEREINAFTER ENUMERATED, THAT IS TO SAY:

27. THE CRIMINAL LAW, EXCEPT THE CONSTITUTION OF COURTS OF CRIMINAL JURISDICTION, BUT INCLUDING THE PROCEDURES IN CRIMINAL MATTERS..."

THE CONSTITUTIONAL JURISDICTION AS ESTABLISHED BY THE ABOVE MENTIONED PROVISIONS IS PROPERLY LIMITED BY THE CONCEPT OF THE INDEPENDENCE OF THE JUDICIARY, IN ITS' ADJUDICATIVE FUNCTIONS, FROM GOVERNMENT. BY VIRTUE OF THE PROVISIONS OF SECTION 96 OF OUR CONSTITUTIONAL ACT, THE JUSTICES OF THE SUPREME COURT AND OF THE COUNTY AND DISTRICT COURTS ARE APPOINTED BY THE GOVERNOR GENERAL OF CANADA. THEIR SALARIES ARE FIXED BY THE PARLIAMENT OF CANADA AND PAID FROM FEDERAL BUDGETARY APPROPRIATION.

THE PROVINCE RETAINS THE POWER OF APPOINTMENT IN RELATION TO SURROGATE COURT JUDGES, PROVINCIAL JUDGES OF CRIMINAL AND FAMILY DIVISIONS, JUDGES OF SMALL CLAIMS COURTS, MASTERS, REGISTRAR AND LOCAL REGISTRARS OF THE SUPREME COURT, COUNTY AND DISTRICT COURT CLERKS, SURROGATE COURT REGISTRARS, SHERIFFS, JUSTICES OF THE PEACE AND OTHER COURT OFFICIALS AND EMPLOYEES.

STRUCTURE OF ONTARIO COURTS

SUPREME COURT OF ONTARIO AND COUNTY AND DISTRICT COURTS

THE SUPREME COURT OF ONTARIO CONSISTS OF THE CHIEF JUSTICE OF ONTARIO, THE ASSOCIATE CHIEF JUSTICE OF ONTARIO, 13 JUSTICES OF THE ONTARIO COURT OF APPEAL, THE CHIEF JUSTICE OF THE HIGH COURT, THE ASSOCIATE CHIEF JUSTICE OF THE HIGH COURT AND 39 JUSTICES OF THE HIGH COURT. IN ADDITION, THERE ARE AT PRESENT, 3 SUPERNUMERARY JUSTICES OF THE SUPREME COURT.

THE ADMINISTRATIVE SERVICES FOR THE SUPREME COURT OF ONTARIO ARE PROVIDED BY THE OFFICES OF THE REGISTRAR AND LOCAL REGISTRARS OF THE SUPREME COURT, THE FORMER BEING LOCATED IN TORONTO AND THE LATTER IN EVERY SEAT OF THE COUNTY AND DISTRICT COURT. THE OFFICE OF THE LOCAL REGISTRAR, S.C.O. IS COMBINED WITH THAT OF THE COUNTY OR DISTRICT COURT CLERK.

THE FUNCTIONS OF MASTERS AND LOCAL MASTERS OF THE SUPREME COURT ARE PERFORMED IN TORONTO AND OTTAWA BY FULL-TIME APPOINTEES OF THE LIEUTENANT GOVERNOR IN COUNCIL AND IN ALL OTHER COUNTIES AND DISTRICTS BY COUNTY AND DISTRICT COURT JUDGES.

THE PROVINCE IS DIVIDED INTO 48 JUDICIAL DISTRICTS FOR THE PURPOSES OF THE ADMINISTRATION OF JUSTICE AT ALL LEVELS OF ONTARIO COURTS.

THE 38 COUNTY COURTS ARE LOCATED IN EACH SEAT OF THE EXISTING COUNTY OR FORMER COUNTIES RECONSTRUCTED INTO REGIONAL MUNICIPALITIES. THE 10 DISTRICT COURTS ARE LOCATED AT EACH SEAT OF NORTHERN DISTRICTS.

THE COUNTY AND DISTRICT COURT BENCH PRESENTLY CONSISTS OF THE CHIEF JUDGE AND ASSOCIATE CHIEF JUDGE OF THE COUNTY AND DISTRICT COURTS, SENIOR JUDGE OF THE JUDICIAL DISTRICT OF YORK AND 128 COUNTY AND DISTRICT COURT JUDGES. IN ADDITION TO THIS FULL-TIME COMPLEMENT THERE ARE 4 SUPERNUMERARY JUDGES.

ADMINISTRATIVE SERVICES TO THE SUPREME, COUNTY AND DISTRICT COURTS ARE PROVIDED AS FOLLOWS:-

- (a) IN TORONTO BY SEPARATE OFFICES OF: THE REGISTRAR OF THE SUPREME COURT OF ONTARIO, THE COUNTY COURT CLERK, THE SURROGATE COURT REGISTRAR AND THE SHERIFF (4 OFFICES).
- (b) IN 22 SEATS OF COUNTY AND DISTRICT COURTS BY A COMBINED OFFICE OF: THE LOCAL REGISTRAR OF THE SUPREME COURT, COUNTY OR DISTRICT COURT CLERK AND SURROGATE COURT REGISTRAR AND A SEPARATE OFFICE OF THE SHERIFF (2 OFFICES).
- (c) IN THE REMAINING 25 COUNTY AND DISTRICT COURTS BY ONE COMBINED OFFICE EACH OF: THE LOCAL REGISTRAR OF THE SUPREME COURT, COUNTY OR DISTRICT COURT CLERK, SURROGATE COURT REGISTRAR AND SHERIFF (1 OFFICE).

PROVINCIAL COURTS (CRIMINAL DIVISION)

THE PROVINCIAL COURTS (CRIMINAL DIVISION) EXERCISES ITS JURISDICTION WITHIN THE TERRITORY OF EACH OF THE 48 JUDICIAL DISTRICTS. AT THE TIME OF COMPILING THIS REPORT THE JUDICIAL BENCH OF THESE COURTS CONSISTED OF A CHIEF JUDGE, AN ASSOCIATE CHIEF JUDGE, 8 SENIOR JUDGES AND 127 PROVINCIAL JUDGES - A TOTAL OF 137, INCLUSIVE OF VACANCIES. IN ADDITION, THERE ARE 10 PROVINCIAL JUDGES (CRIMINAL DIVISION) OPERATING EITHER ON A PER DIEM BASIS (8) AND ON A PART-TIME BASIS (2).

THE CHIEF JUDGE OF PROVINCIAL COURTS (CRIMINAL DIVISION) CONTROLS 78 FULL-TIME SALARIED JUSTICES OF THE PEACE AND APPROXIMATELY 400 FEE JUSTICES OF THE PEACE. 46 POSITIONS OF FULL-TIME JUSTICE OF THE PEACE ARE LOCATED IN THE JUDICIAL DISTRICT OF YORK.

THE ADMINISTRATION OF THE PROVINCIAL COURTS (CRIMINAL DIVISION) IS PROVIDED BY 62 OFFICES SITUATED THROUGHOUT THE PROVINCE, EACH HEADED BY AN ADMINISTRATOR. THE STAFF OF THESE COURTS (EXCEPTING JUSTICES OF THE PEACE) ARE APPOINTED UNDER THE PUBLIC SERVICE ACT.

PROVINCIAL COURTS (FAMILY DIVISION)

THE TERRITORIAL JURISDICTION OF THE PROVINCIAL COURTS (FAMILY DIVISION) COVERS THE SAME 48 JUDICIAL DISTRICTS AS THE OTHER COURTS IN THE PROVINCE. THE JUDICIAL BENCH OF THIS COURT CONSISTS, AT PRESENT, OF A CHIEF JUDGE, AN ASSOCIATE CHIEF JUDGE, 7 SENIOR JUDGES AND 38 FULL-TIME JUDGES - A TOTAL OF 47. IN ADDITION, THERE ARE 9 PART-TIME JUDGES AT A PER DIEM RATE AND 1 PART-TIME JUDGE PAID BY AN ANNUAL RETAINER. APART FROM THE FOREGOING, 11 PROVINCIAL JUDGES OF THE CRIMINAL DIVISION ALSO PRESIDE ON A PART-TIME BASIS IN THE COURTS OF THE FAMILY DIVISION.

UNDER A RECENT AGREEMENT BETWEEN THE FEDERAL MINISTER OF JUSTICE AND THE PROVINCIAL ATTORNEY GENERAL A "UNIFIED FAMILY COURT" WAS ESTABLISHED IN 1977 ON AN EXPERIMENTAL BASIS IN THE JUDICIAL DISTRICT OF HAMILTON-WENTWORTH. THIS COURT WHICH COMBINES THE JURISDICTION OF FEDERALLY APPOINTED AND PROVINCIALY APPOINTED JUDGES IN FAMILY MATTERS IS PRESIDED OVER BY 3 JUDGES APPOINTED TO THE COUNTY AND DISTRICT COURT BENCH BY THE GOVERNOR GENERAL IN COUNCIL.

THE ADMINISTRATION OF THE UNIFIED FAMILY COURT AT HAMILTON AND OF ALL OTHER PROVINCIAL COURTS (FAMILY DIVISION) IS PROVIDED BY 51 ADMINISTRATIVE OFFICES WHOSE STAFF ARE APPOINTED UNDER THE PUBLIC SERVICE ACT. A NUMBER OF COURT ADMINISTRATORS ALSO HOLD APPOINTMENTS AS JUSTICES OF THE PEACE.

IN 1977, THE ADMINISTRATION AND MAINTENANCE OF THE OBSERVATION AND DETENTION HOMES, INCLUDING THE TORONTO PSYCHIATRIC CLINIC FOR JUVENILES, WERE TRANSFERRED FROM THE MINISTRY OF THE ATTORNEY GENERAL TO THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES (CHILDRENS SERVICES DIVISION).

SMALL CLAIMS COURTS

WITHIN THE 48 JUDICIAL DISTRICTS OF ONTARIO THERE ARE 129 SMALL CLAIMS COURTS. THE JUDICIAL BENCH OF THESE COURTS CONSISTS OF 6 FULL-TIME PROVINCIAL JUDGES OF SMALL CLAIMS COURTS APPOINTED UNDER THE SMALL CLAIMS COURTS ACT AND 2 PART-TIME JUDGES REMUNERATED AT A PER DIEM RATE. THE REMAINDER OF THE BENCH CONSISTS OF COUNTY AND DISTRICT COURT JUDGES AND A NUMBER OF BARRISTERS AD-HOC DESIGNATED BY THE RESPECTIVE COUNTY OR DISTRICT COURT JUDGES.

THE 129 ADMINISTRATIVE OFFICES OF THESE COURTS ARE STAFFED MAINLY BY CLERKS AND BAILIFFS ON FEES PLUS ANY AUXILLIARY STAFF WHO ARE PAID FROM FEES BY EITHER THE CLERK OR BAILIFF. IN A NUMBER OF INSTANCES SALARIED EMPLOYEES OF SMALL CLAIMS COURTS, AT RATES FIXED BY THE INSPECTOR OF LEGAL OFFICES, ARE PAID OUT OF OFFICE FEES PARTIALLY SUPPLEMENTED FROM THE BUDGETARY FUNDS OF THE MINISTRY OF THE ATTORNEY GENERAL. NO EMPLOYEES OF THE SMALL CLAIMS COURTS HAVE BEEN APPOINTED UNDER THE PUBLIC SERVICE ACT AND NONE ARE ENTITLED TO ACCUMULATE CREDITS IN THE PUBLIC SERVICE SUPERANNUATION FUND.

PHYSICAL COURT FACILITIES

UNTIL DECEMBER 31, 1967, THE TOTAL RESPONSIBILITY FOR THE PROVISION OF PHYSICAL COURT FACILITIES SUCH AS COURT HOUSES WITH ADEQUATE HEARING ROOMS, COURT OFFICES, PRISONER HOLDING FACILITIES IN COURT HOUSES AND COUNTY AND DISTRICT JAILS, COURT ROOM AND OFFICE EQUIPMENT, FURNITURE AND MACHINERY RESTED WITH COUNTIES AND CITIES IN THE SOUTH PART OF THE PROVINCE AND WITH THE ONTARIO GOVERNMENT (MINISTRY OF THE ATTORNEY GENERAL AND GOVERNMENT SERVICES), IN REGARD TO NORTHERN DISTRICTS. IN A NUMBER OF

INSTANCES (e.g. HAMILTON AND BELLEVILLE) COURT OPERATIONS WERE COMBINED IN ONE MUNICIPAL BUILDING WITH THE ADMINISTRATION OF THE COUNTY. AT THAT TIME, COUNTY AND DISTRICT JAILS WERE USUALLY ADJACENT TO EACH COUNTY AND DISTRICT COURT, AND THEREFORE, VERY FEW SUCH COURT HOUSES WERE PROVIDED WITH PRISONER HOLDING FACILITIES AS INDICATED IN CHAPTER 6 "PHYSICAL SECURITY IN THE ONTARIO COURT SYSTEM".

AFTER THE ABSORPTION OF RESPONSIBILITY FOR PHYSICAL COURT FACILITIES BY THE PROVINCE IN 1968, A GREAT NUMBER OF COURT HOUSES AND OTHER PREMISES, WHERE COURTS WERE LOCATED, HAVE BEEN MODERNIZED, NEW BUILDINGS ERECTED AND ADDITIONAL LEASED PROPERTY ADAPTED TO COURT OPERATIONS. IN THE LAST TEN YEARS THIS ACTION WAS GREATLY ACCELERATED BY THE EXPANSION OF THE OPERATIONS OF PROVINCIAL COURTS (CRIMINAL AND FAMILY DIVISION) THROUGHOUT THE PROVINCE, DUE TO THE INCREASE IN POPULATION (APPROXIMATELY 24% BETWEEN 1968 AND 1978), EXTENSIVE URBANIZATION, CHANGING ECONOMIC CONDITIONS AND ATTITUDES TOWARDS PUBLIC INSTITUTIONS AND ESPECIALLY JUSTICE AND LAW ENFORCEMENT.

THE PROVISION OF ADEQUATE AND PROPERLY SECURED COURT ROOM ACCOMMODATION IS OF PRIME IMPORTANCE TO THE OPERATIONS OF THE INSTITUTIONS OF JUSTICE. IT IS FOR THIS REASON THAT A COMPLETE INVENTORY OF COURT HEARING LOCATIONS, COURT ROOMS AND PRISONER HOLDING FACILITIES WAS MADE DURING THE STUDY. THIS INFORMATION IS CONTAINED IN SCHEDULE 4 (VOLUME I, PAGES 31-97). THE FOLLOWING ARE HIGHLIGHTS FROM THE EXAMINATION OF THE ABOVE MENTIONED INVENTORY:-

- (a) THE ONTARIO COURTS (EXCLUDING SMALL CLAIMS COURTS) HAVE THE USE, ON A FULL-TIME BASIS OF 368 COURT ROOMS IN PROVINCIALY OWNED AND LEASED PREMISES AND IN ADDITION, THE PROVINCIAL COURTS USE 128 FACILITIES ON A LIMITED BASIS AS COURT ROOMS. PROVINCIAL COURT HEARINGS ARE HELD AT 77 LOCATIONS AT MUNICIPAL COUNCIL BUILDINGS, IN 27 LOCATIONS, AT VARIOUS COMMUNITY CENTRES, 11 AT POLICE BUILDINGS OF THE ONTARIO PROVINCIAL POLICE AND THE REMAINING 13 IN LEGION AND MASONIC HALLS, CHURCHES AND GOLF CLUBS.

(b) THE SUPREME, COUNTY AND DISTRICT COURTS HAVE THE EXCLUSIVE USE ON A FULL-TIME BASIS OF 141 COURT ROOMS AND SHARE 9 WITH PROVINCIAL COURTS. 85 SUCH COURT ROOMS ARE PROVIDED WITH JURY FACILITIES. THE SITUATION AT THE DISTRICT COURT HOUSE IN SUDBURY PRESENTS A DRASTIC EXAMPLE OF THE INADEQUACY OF COURT ROOM FACILITIES. FIVE DISTRICT COURT JUDGES SHARE THE USE OF 1 COURT ROOM IN THE COURT HOUSE WHICH IS ALSO USED BY A SUPREME COURT JUDGE WHILE HOLDING ASSIZE COURT. ANOTHER INSTANCE OF INADEQUATE DISTRICT COURT ACCOMMODATION IS AN OLD COURT HOUSE IN NORTH BAY.

(c) PROVINCIAL COURTS (CRIMINAL DIVISION) HAVE AN EXCLUSIVE USE OF 144 COURT ROOMS ON A FULL-TIME BASIS AND SHARE AN ADDITIONAL 24 WITH EITHER THE COUNTY, DISTRICT OR FAMILY COURTS. IN ADDITION, THIS COURT USES EXCLUSIVELY, 74 COMMUNITY HALLS AND MUNICIPAL CHAMBERS FOR COURT ROOM FACILITIES AND SHARES A FURTHER 47 WITH THE FAMILY DIVISION.

IT SHOULD BE NOTED HERE THAT THE HEARINGS OF THIS COURT ARE HELD IN 190 LOCATIONS THROUGHOUT THE PROVINCE. IN 160 OF SUCH LOCATIONS, CRIMINAL COURT HEARINGS ARE HELD AND IN THE REMAINING 30, ONLY MINOR OFFENCES ARE ADJUDICATED. PRISONER HOLDING FACILITIES ARE AVAILABLE AT ONLY 46 LOCATIONS OF HEARINGS.

(d) THE PROVINCIAL COURTS (FAMILY DIVISION) HAVE THE EXCLUSIVE USE OF 58 COURT ROOMS ON A FULL-TIME BASIS AND SHARE THE USE OF A FURTHER 23 WITH EITHER THE COUNTY AND DISTRICT COURTS OR THE PROVINCIAL COURTS (CRIMINAL DIVISION). THE FAMILY DIVISION, APART FROM SHARING 47 COMMUNITY FACILITIES AS COURT ROOMS WITH THE CRIMINAL DIVISION, RENTS AN ADDITIONAL 7 HEARING ROOMS ON A PART-TIME BASIS FOR ITS' EXCLUSIVE USE.

THE HEARINGS OF THE PROVINCIAL COURTS (FAMILY DIVISION) ARE HELD AT 112 LOCATIONS.

PRACTICALLY ALL COURT HOUSES TAKEN OVER FROM MUNICIPALITIES AND MOST OF THE LEASED PREMISES WITH COURT ROOM FACILITIES DO NOT PROVIDE ANY PRIVACY FOR JUDGES WHOSE OFFICES ARE ADJACENT TO PUBLIC CORRIDORS, AND WHO, IN MOST INSTANCES HAVE NO DIRECT ACCESS FROM THE OFFICES TO THE COURT ROOMS.

THIS SITUATION HAS BECOME CRITICAL AND WAS SUBJECT TO SPECIAL INVESTIGATIONS AT THE TORONTO AND HAMILTON COUNTY COURT HOUSES. THE CONDITIONS ARE MUCH WORSE IN MOST OF THE PROVINCIAL COURTS, ESPECIALLY IN THE OLD CITY HALL AT TORONTO WHERE JUDGES MUST MAKE THEIR WAY THROUGH PUBLIC ELEVATORS AND HALLWAYS TO THE COURT ROOMS FOR HEARINGS. IN MANY LOCATIONS WHERE PROVINCIAL COURT TRIALS ARE HELD, THE ONLY ACCOMMODATION AVAILABLE TO A JUDGE IS A COURT ROOM USUALLY FILLED BY THE PUBLIC. NO RETIRING ROOM OR OTHER PRIVATE OFFICE IS AVAILABLE.

IN VIEW OF THE FINDINGS CONTAINED IN THIS SECTION, EARLY CONSIDERATION SHOULD BE GIVEN TO:-

- (1) DEVELOPMENT OF A SHORT AND LONG TERM PLAN FOR THE IMPROVEMENT AND THE NECESSARY ADDITION OF COURT HEARING ROOMS AND JUDGES CHAMBERS OR OFFICES.
- (2) RELOCATION OF PROVINCIAL COURTS HEARING ROOMS AND OFFICES LOCATED IN LEASED PREMISES WITH INADEQUATE FACILITIES.
- (3) ELIMINATION OF A SUBSTANTIAL NUMBER OF LOCATIONS WHERE CRIMINAL HEARINGS ARE HELD BY THE PROVINCIAL COURTS (CRIMINAL DIVISION) AS INDICATED IN THE FOREGOING CHAPTER 5, "CONVEYING OF PRISONERS AT THE INSTANCE OF THE COURTS".

FINANCING OF THE ONTARIO COURTS SYSTEM

SINCE JANUARY 1, 1968, THE OPERATIONS OF THE ONTARIO COURT SYSTEM HAVE BEEN ENTIRELY FINANCED FROM THE CONSOLIDATED REVENUE FUND OF THE PROVINCE THROUGH THE BUDETARY APPROPRIATION OF:-

- (a) THE MINISTRY OF THE ATTORNEY GENERAL WITH REGARD TO SALARIES, FRINGE BENEFITS AND OTHER EXPENSES OF PROVINCIAL JUDGES, JUSTICES OF THE PEACE, CROWN ATTORNEYS AND ADMINISTRATIVE PERSONNEL AT ALL COURT LEVELS AND ALL OTHER COURT OPERATING EXPENSES SUCH AS TRANSPORTATION AND COMMUNICATIONS, OFFICE SUPPLIES, EQUIPMENT AND FURNITURE AND SERVICES NECESSARY FOR THE DAY-TO-DAY COURT ACTIVITIES, AND
- (b) THE MINISTRY OF GOVERNMENT SERVICES IN RELATION TO CAPITAL AND MAINTENANCE EXPENSES OF COURT BUILDINGS, OTHER COURT ACCOMMODATION AND RENTS INCLUDING RELATED COSTS FOR LEASED COURT PREMISES.

ALL REVENUE ARISING FROM THE OPERATIONS OF THE COURTS IS PAID TO THE CONSOLIDATED REVENUE FUND OF THE PROVINCE.

DIRECT REVENUE OF THE COURTS

ACCORDING TO THE PROVISIONS OF SECTION 114, SUBSECTION 10, CLAUSE (h) OF THE JUDICATURE ACT, THE RULES COMMITTEE MAY MAKE RULES "REGULATING ALL FEES PAYABLE TO THE CROWN IN RESPECT OF PROCEEDINGS IN ANY COURT". UNDER THE PROVISIONS OF CLAUSE (b), SECTION 40 OF THE COUNTY COURTS ACT, THE RULES COMMITTEE MAY MAKE "RULES AND REGULATIONS REGULATING AND FIXING THE FEES PAYABLE TO THE CROWN IN RESPECT OF PROCEEDINGS IN SUCH COURTS". FINALLY, THE PROVISIONS OF SECTION 7, CLAUSE (a) OF THE ADMINISTRATION OF JUSTICE ACT AS ENACTED BY THE ADMINISTRATION OF JUSTICE AMENDMENT ACT, 1971, PROVIDES THAT THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE REGULATIONS "REQUIRING THE PAYMENT OF FEES FOR ANYTHING REQUIRED OR AUTHORIZED TO BE DONE BY ANY PERSON IN THE ADMINISTRATION OF JUSTICE, AND PRESCRIBING THE AMOUNT THEREOF;".

OTHER PROVISIONS AFFECTING DIRECT REVENUE OF THE COURTS RELATE TO FINES, PENALTIES AND FORFEITURES ARE CONTAINED IN SECTION 651 OF THE CRIMINAL CODE AND SECTION 4 OF THE ADMINISTRATION OF JUSTICE ACT. THE LATTER SECTION REQUIRES THAT ALL FINES

IMPOSED UNDER THE PROVINCIAL LEGISLATION, OTHER THAN FINES IMPOSED FOR CONTRAVENTION OF THE BY-LAWS OF THE MUNICIPALITY OR A LOCAL BOARD THEREOF SHALL BE PAID TO THE TREASURER OF ONTARIO.

ALL FEES PAYABLE IN THE SUPREME, COUNTY, DISTRICT AND SURROGATE COURTS ARE SUBJECT TO THE APPROVAL OF THE LIEUTENANT GOVERNOR IN COUNCIL, FIXED BY THE RULES COMMITTEE AND CONTAINED IN TARIFF "B", TARIFF "C" AND TARIFF "D" OF THE RULES OF PRACTICE.

REGULATION 949/74 MADE UNDER SECTION 7 OF THE ADMINISTRATION OF JUSTICE ACT ONLY REGULATES FEES PAYABLE FOR THE SERVICES OF THE JUSTICES OF THE PEACE. SUCH FEES CONSTITUTE PROVINCIAL REVENUE ONLY WHEN RECEIVED BY A JUSTICE OF THE PEACE IN RECEIPT OF A SALARY FOR EMPLOYMENT IN THE SERVICE OF THE COURTS.

THE MEMBERSHIP OF THE RULES COMMITTEE CONSISTS OF 10 JUSTICES AND JUDGES APPOINTED UNDER SECTION 96 OF THE BRITISH NORTH AMERICA ACT, 3 BARRISTERS DESIGNATED BY THE LAW SOCIETY OF UPPER CANADA, 3 BARRISTERS APPOINTED BY THE CHIEF JUSTICE OF ONTARIO, THE SENIOR MASTER, S.C.O., AND 1 LAW OFFICER OF THE CROWN AS REPRESENTATIVE OF THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL HIMSELF. THE REGISTRAR, S.C.O. IS SECRETARY.

THE TOTAL REVENUE FOR THE YEAR 1977/78 FROM FEES ARISING FROM THE APPLICATION OF TARIFFS "B", "C" AND "D" OF THE RULES AMOUNTED TO \$19,448,736. OTHER INCOME OF THE COURTS FROM FINES, PENALTIES, FORFEITURES AND SMALL CLAIMS COURT FEES AMOUNTED FOR THE SAME PERIOD TO \$59,000,892 - A TOTAL OF \$78,449,628 AS COMPARED WITH THE DIRECT OPERATING COSTS OF OUR COURTS FOR THE SAME PERIOD OF \$84,447,307.

IT IS CONSIDERED THAT TARIFFS FIXED UNDER THE RULES OF PRACTICE SHOULD, IN THE PRESENT ECONOMIC CONDITIONS, UNDERGO MORE FREQUENT REVISIONS AND THE DIFFERENCES BETWEEN THE SUPREME COURT AND COUNTY COURT TARIFFS FOR SIMILAR OPERATIONS, AMOUNTING IN SOME INSTANCES UP TO 50%, BE REDUCED OR ENTIRELY ELIMINATED.

DIRECT COST ANALYSIS 1975/76 - 1977/78

FOR THE PURPOSES OF THIS STUDY AND OF POSSIBLE BENEFIT TO THE COURTS ADMINISTRATION DIVISION AND OF THE CROWN ATTORNEYS SYSTEM, A DETAILED COST ANALYSIS OF DIRECT OPERATING EXPENSES WAS MADE ON A COMPARATIVE BASIS FOR THE THREE YEARS ENDING ON MARCH 31, 1978. THIS ANALYSIS IS CONTAINED IN SCHEDULE I (VOLUME I, PAGES 1-17) AND HAS BEEN BASED ON OFFICIAL FINANCIAL REPORTS OF THE MINISTRY OF THE ATTORNEY GENERAL. THE GRAPHIC ILLUSTRATION OF THE ABOVE MENTIONED SCHEDULE IS PRESENTED AT THE END OF THIS CHAPTER AS TABLE I. TO FULLY APPRECIATE THE RELATIONSHIP BETWEEN DIRECT COSTS AND RESPECTIVE VOLUMES OF OPERATIONS, TABLE I IS FOLLOWED BY TABLE II WHICH PROVIDES BASIC STATISTICS OF OPERATIONS OF THE SUPREME, COUNTY AND DISTRICT COURTS, AND TABLE III WHICH INDICATES THE SUMMARY OF THE CASELOAD OF PROVINCIAL COURTS (CRIMINAL DIVISION) SUPPLEMENTED WITH A GRAPHIC INTERPRETATION OF SUCH CASELOAD INDICATED AS TABLE III (a), (b) AND (c).

THE ABOVE MENTIONED COST ANALYSIS INDICATES THAT THE DIRECT EXPENSES OF OUR COURTS AND OF THE CROWN ATTORNEYS SYSTEM IN THE THREE YEAR PERIOD INCREASED AS FOLLOWS:-

- SUPREME COURT OF ONTARIO	41.4%
- COUNTY AND DISTRICT COURTS	26.0%
- PROVINCIAL COURTS (CRIMINAL DIVISION)	31.9%
- PROVINCIAL COURTS (FAMILY DIVISION)	30.7%
- CROWN ATTORNEYS SYSTEM	30.7%
TOTAL INCREASE	<u>31.1%</u>

TABLE II COVERING OPERATIONS OF THE SUPREME, COUNTY AND DISTRICT COURTS DOES NOT INDICATE CONTINUOUS INCREASES IN THE CASELOAD OF THE SUPREME COURT OF ONTARIO, HOWEVER, THE RECORD OF ACTUAL SITTINGS OF THAT COURT SHOWS AN INCREASE OF 18.5%.

COUNTY AND DISTRICT COURTS SHOW APPRECIABLE VOLUME INCREASES IN THEIR OPERATIONS:-

- CRIMINAL TRIALS	3.8%
- SUMMARY CONVICTION APPEALS	41.7%
- CIVIL ACTIONS	22.2%
- LANDLORD AND TENANT CASES	43.4%
- SURROGATE COURT OPERATIONS	5.9%
- SHERIFFS EXECUTIONS	33.0%

THE COURTS STATISTICAL REPORTS INDICATE THAT THE USE OF COURT ROOM TIME FOR TRIALS IN COUNTY AND DISTRICT COURTS HAS INCREASED IN THE THREE YEAR PERIOD BY 5.1%.

THE CRIMINAL CASELOAD INDICATED IN TABLE III ROSE BETWEEN JANUARY 1, 1975, AND DECEMBER 31, 1977, AS FOLLOWS:-

TOTAL CASELOAD	20.6%
- CRIMINAL CODE OF CANADA	12.8%
- OTHER FEDERAL LEGISLATION	58.7%
- HIGHWAY TRAFFIC ACT	12.8%
- MUNICIPAL BY-LAWS	37.9%

THE CASELOAD UNDER THE LIQUOR CONTROL ACT DECREASED BY 21.6% AND UNDER OTHER PROVINCIAL LEGISLATION BY 11.6%.

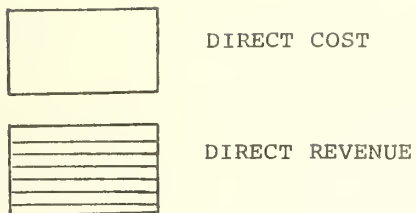
IN ASSESSING THE OVERALL DIRECT COST INCREASE (31.1%) IN THE OPERATIONS OF OUR COURTS IN A THREE YEAR PERIOD IN LIGHT OF A SUBSTANTIAL INCREASE IN THE CASELOAD OF OUR COURTS, ONE MUST NOTICE THAT THE ADMINISTRATION OF OUR JUDICIAL SYSTEM HAD TO APPLY SEVERE CONSTRAINTS BOTH IN FINANCIAL APPROPRIATIONS AND THE MAN-POWER UTILIZATION. THIS HAS BEEN DEMONSTRATED BY MORE EXTENSIVE UTILIZATION BY THE COURTS OF POLICE OFFICERS IN PERFORMING ADDITIONAL RESPONSIBILITIES OF COURT ATTENDANTS, COURT DISPATCHERS AND COURT CLERKS TO REPLACE A NUMBER OF CASUAL STAFF RELEASED BY REASON OF FINANCIAL CONSTRAINTS BASED ON PERCENTAGES OF PAST SALARY EXPENDITURES RATHER THAN THE ACTUAL REQUIREMENTS FOR LOWER PAID MAN-POWER WITHIN COURTS ADMINISTRATION.

THE PRESENT SITUATION CAN ONLY BE RECTIFIED BY:-

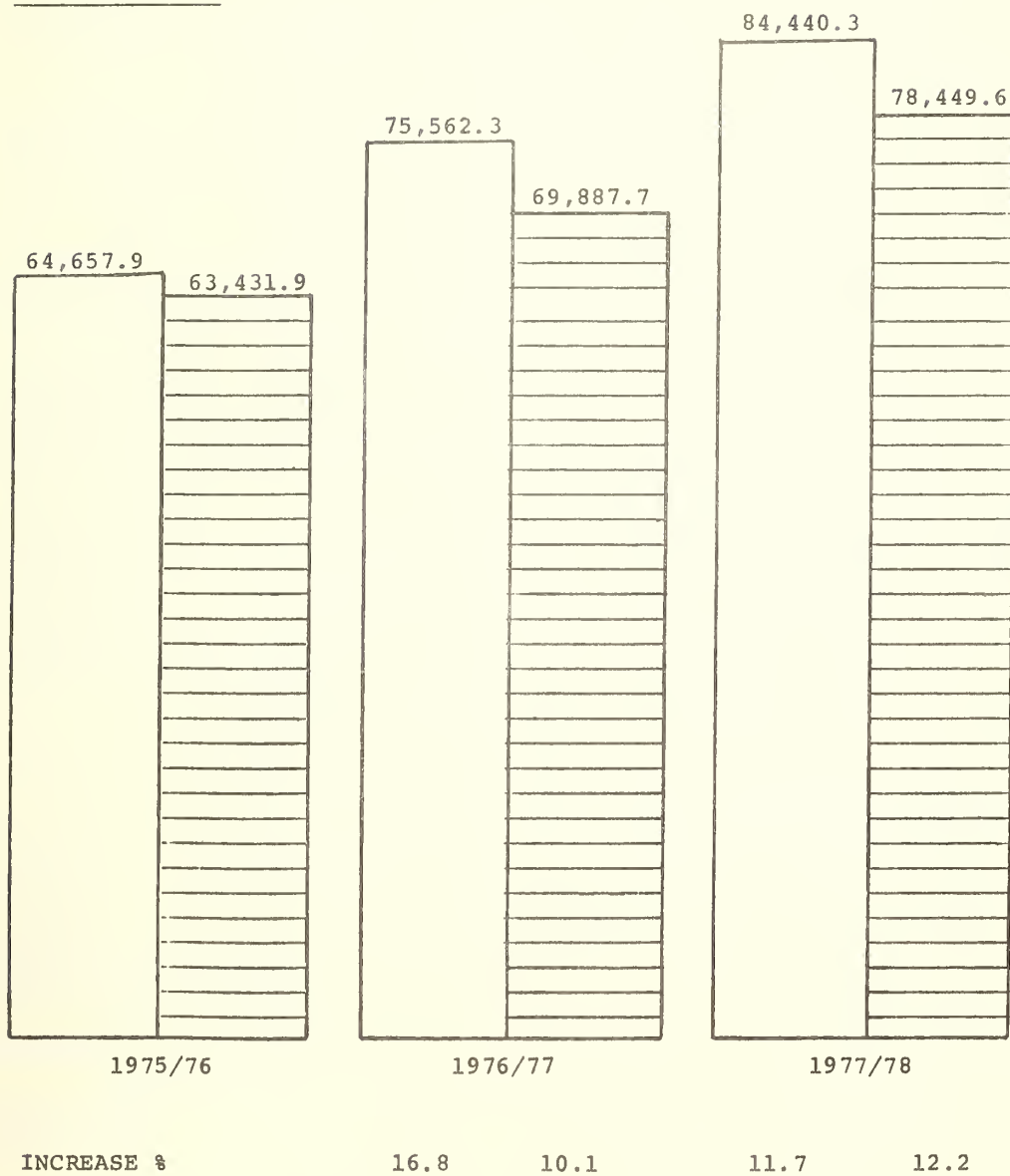
- (a) CAREFUL ANALYSIS OF OPERATING AND COST PERFORMANCE OF EACH COURT DURING THE LAST FOUR YEARS INCLUDING 1978/79.
- (b) ESTABLISHMENT OF STANDARDS RELATING TO STAFF AND SERVICES ON A PROVINCE WIDE BASIS WITH APPROPRIATE ALLOWANCES FOR REGIONAL DISCREPANCIES IN THE VOLUME OF OPERATIONS.
- (c) UTILIZATION OF THE PROVISION OF SERVICES BY CONTRACT RATHER THAN CONTINUOUS STAFF WHENEVER THERE IS SEASONAL FLUCTUATION OF WORK LOAD.
- (d) DEVELOPMENT OF INTERNAL AUDIT PROGRAMS WHICH WOULD INCLUDE MAN-POWER UTILIZATION, WORKLOADS, EXPENDITURE CONTROL AND OFFICE SYSTEMS AND PROCEDURES.

DIRECT OPERATING COSTS AND REVENUE
ONTARIO COURT SYSTEM

TABLE I



SEE SCHEDULE 1



SUPREME, COUNTY AND DISTRICT COURTS

TABLE II

BASIC STATISTICS OF OPERATIONS

<u>DESCRIPTION</u>	<u>CASES DISPOSED</u>		
	<u>1975/76</u>	<u>1976/77</u>	<u>1977/78</u>
<u>SUPREME COURT OF ONTARIO</u>			
<u>COURT OF APPEAL</u>			
CRIMINAL APPEALS	1,478	1,446	1,388
CIVIL APPEALS	768	819	951
DIVISIONAL COURT APPEALS	479	585	567
<u>HIGH COURT OF JUSTICE</u>			
CRIMINAL CASES	319	259	231
CIVIL CASES	6,833	8,334	6,969
<u>COUNTY AND DISTRICT COURTS</u>			
CRIMINAL CASES	5,858	5,739	6,083
SUMMARY CONVICTION APPEALS	5,091	5,689	7,214
CIVIL ACTIONS	22,492	26,945	27,495
LANDLORD AND TENANT ACTIONS	6,035	6,396	8,956
SURROGATE COURT DISPOSALS	28,563	28,159	30,244
SHERIFF'S EXECUTIONS	56,659	66,160	75,390

HALF-DAY SITTINGS IN COURT

<u>DESCRIPTION</u>	<u>1976/76</u>	<u>1976/77</u>	<u>1977/78</u>
<u>SUPREME COURT OF ONTARIO</u>	7,186	7,270	8,518
<u>COUNTY AND DISTRICT COURTS</u>	23,212	21,263	24,619
<u>SURROGATE COURT</u>	872	760	986

PROVINCIAL COURTS - CRIMINAL DIVISION

TABLE III

SUMMARY OF CASELOAD

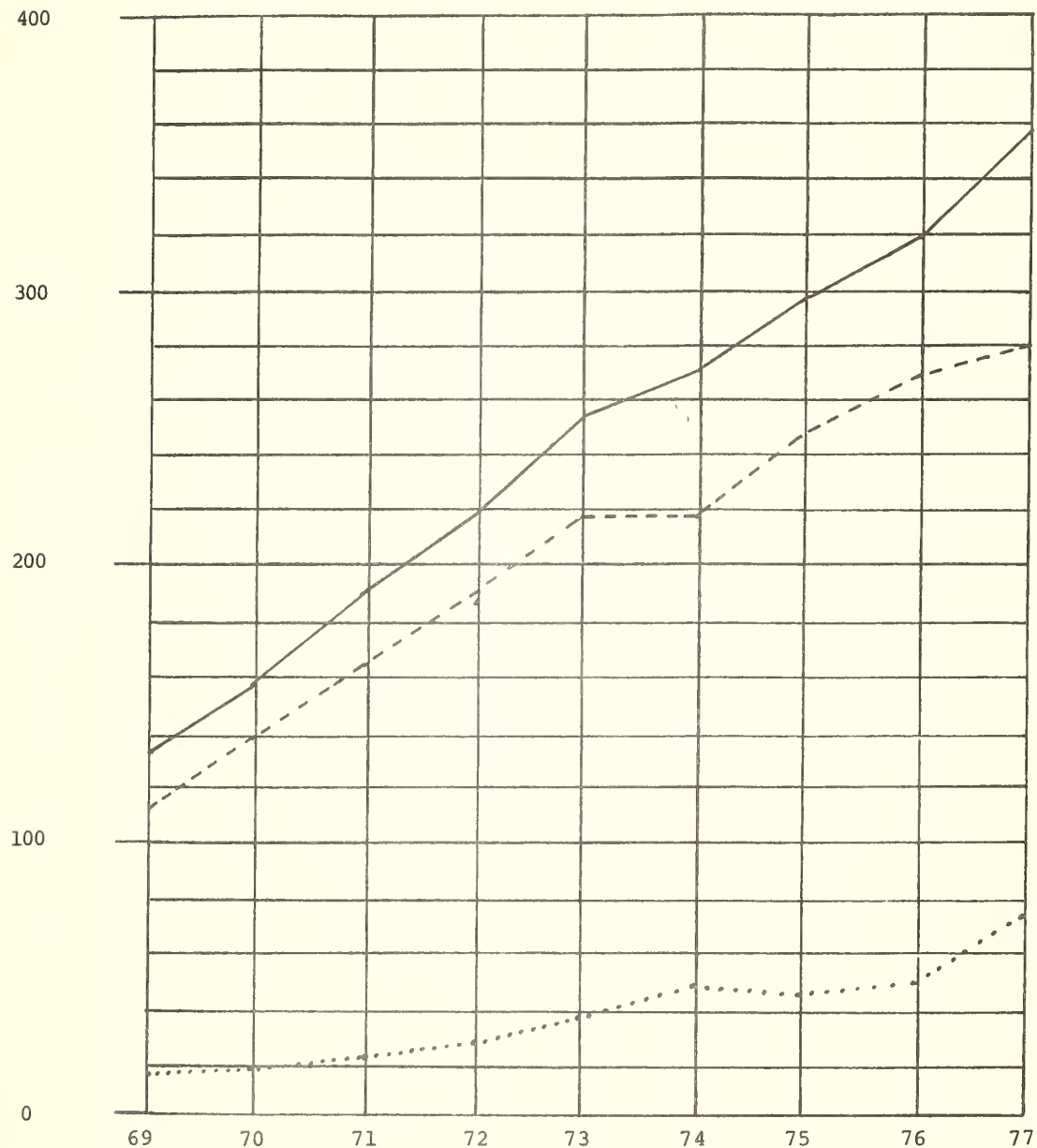
	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
TOTAL CASELOAD									
METROPOLITAN TORONTO	876473	881004	1012156	1193800	1339128	1223877	1363038	1536552	1689791
OTHER	970215	966758	1018624	1158314	1239621	1400607	1446141	1563671	1698820
TOTAL	1846688	1847762	2030780	2352114	2578749	2624484	2809179	3100223	3388611
CRIMINAL CODE OF CANADA									
METROPOLITAN TORONTO	42374	47507	59702	64709	77054	72416	82640	88014	93035
OTHER	70783	91764	104451	124288	140353	144676	165369	180213	186824
TOTAL	113157	139271	164153	188997	217407	217092	248009	268227	279859
FEDERAL									
METROPOLITAN TORONTO	4242	5453	7604	7741	10186	12495	12745	13564	16719
OTHER	13656	12420	17799	20645	27304	36805	34736	36953	58618
TOTAL	17898	17873	25403	28384	37490	49300	47481	50517	75337
HIGHWAY TRAFFIC ACT									
METROPOLITAN TORONTO	413175	397597	432803	476799	551707	567317	550276	640335	615041
OTHER	580306	548882	544331	655266	684615	746470	731065	782604	830463
TOTAL	993481	946479	977134	1132065	1236322	1313787	1281341	1422939	1445504

<u>LIQUOR CONTROL ACT</u>		<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
METROPOLITAN TORONTO		34143	34898	33685	26595	29593	27057	25944	21113	22699
OTHER		89197	90459	85189	79943	90743	101803	102659	73721	82643
TOTAL		123340	125357	118874	106538	120336	128860	128103	94834	105342
<u>OTHER</u>										
METROPOLITAN TORONTO		8203	5108	6479	9595	11039	10020	13802	12939	14839
OTHER		22827	26927	36796	45201	53747	66764	69379	59394	59709
TOTAL		31030	32035	43275	54796	64786	76784	83181	72333	74548
<u>MUNICIPAL BY-LAWS</u>										
METROPOLITAN TORONTO		374336	390441	471883	608361	659549	534572	677631	760587	927458
OTHER		193446	196306	230058	232973	242859	304089	343433	430786	480563
TOTAL		567782	586747	701941	841334	902408	838661	1021064	1191373	1408021

PROVINCIAL COURTS (CRIMINAL DIVISION)
CASELOAD
OFFENCES UNDER C.C.C. AND OTHER FEDERAL STATUTES

TABLE III (A)

.000 CHARGES



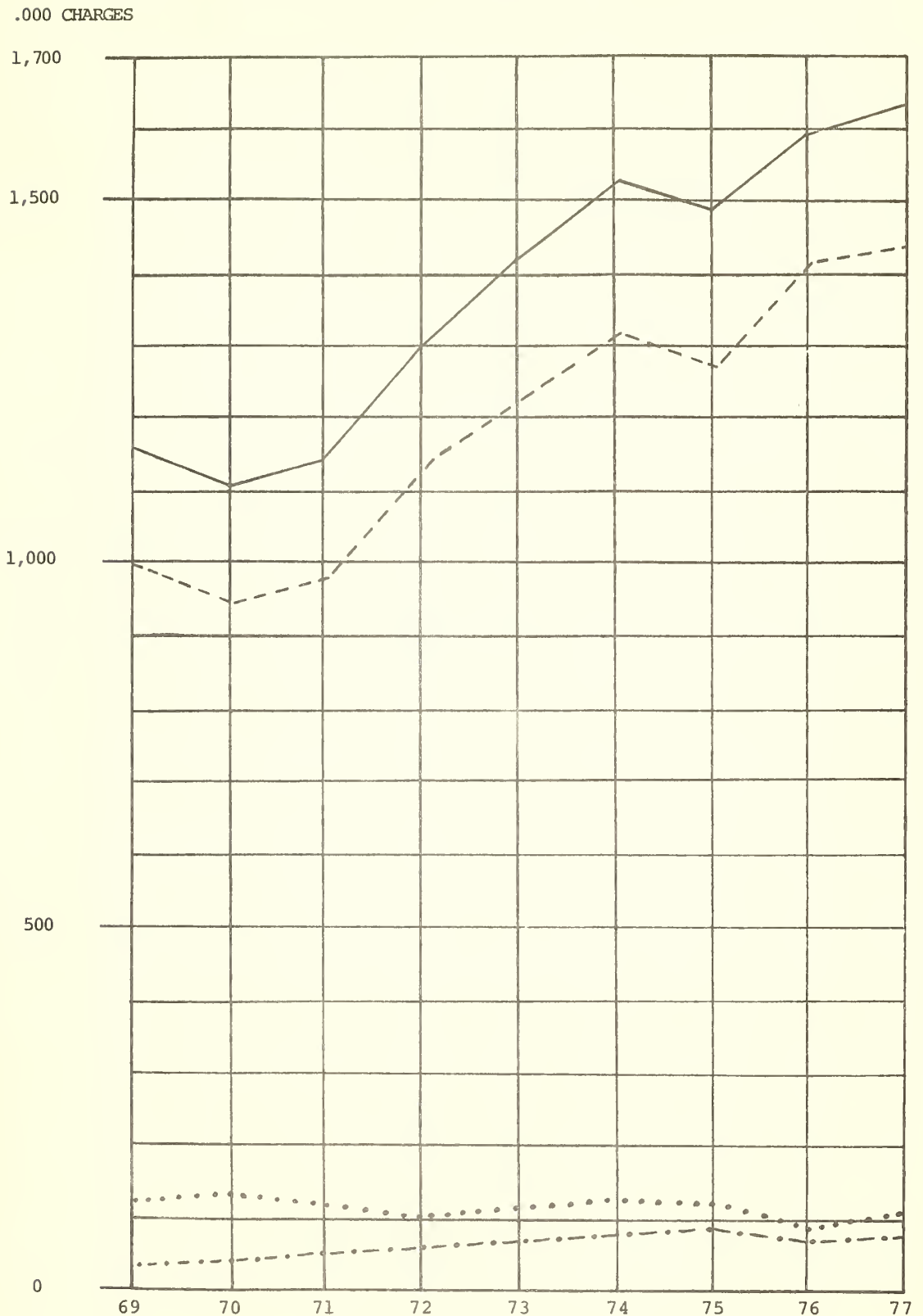
NOTE: ——— TOTAL CHARGES UNDER FEDERAL STATUTES
----- CHARGES UNDER C.C.C. - FOR DETAILS SEE SCHEDULE 5.1
..... CHARGES UNDER OTHER FEDERAL STATUTES - FOR DETAILS
SEE SCHEDULE 5.2

PROVINCIAL COURTS (CRIMINAL DIVISION)

TABLE III (B)

CASELOAD

OFFENCES UNDER H.T.A., L.C.A. AND OTHER PROVINCIAL STATUTES



NOTE: ——— TOTAL CHARGES UNDER PROVINCIAL STATUTES
 ----- CHARGES UNDER H.T.A. - FOR DETAILS SEE SCHEDULE 5.3
 CHARGES UNDER L.C.A. - FOR DETAILS SEE SCHEDULE 5.4
 -.-.- CHARGES UNDER OTHER PROVINCIAL STATUTES - FOR DETAILS SEE SCHEDULE 5.5

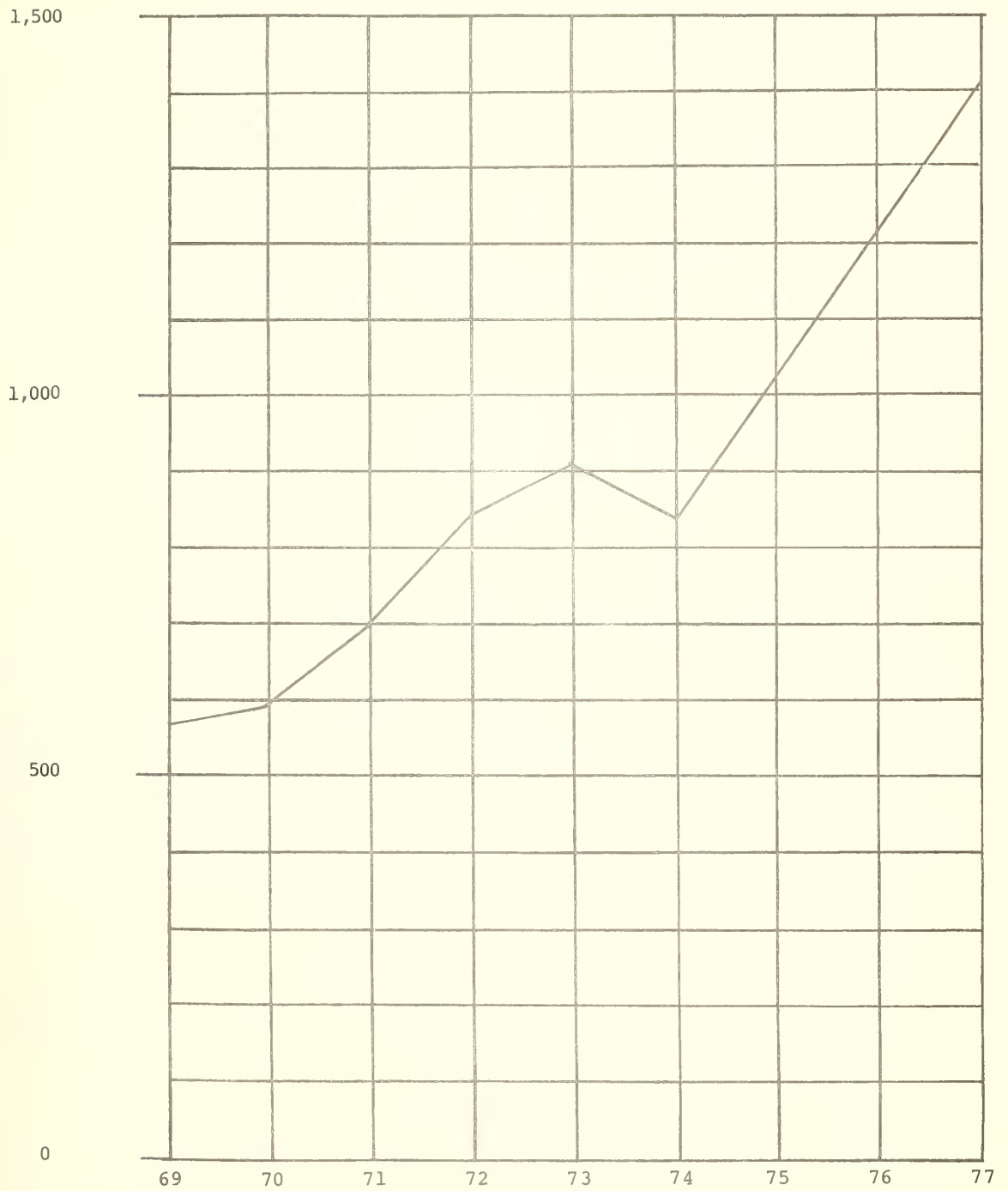
PROVINCIAL COURTS (CRIMINAL DIVISION)

TABLE III (C)

CASELOAD

OFFENCES UNDER MUNICIPAL BY-LAW

.000 CHARGES



NOTE: FOR DETAILS SEE SCHEDULE 5.6

CHAPTER 12 - POLICE SERVICES IN ONTARIO

THE TASK FORCE ON POLICING IN ONTARIO WHICH REPORTED TO THE SOLICITOR GENERAL IN FEBRUARY, 1974, BASED ITS' FINDINGS AND RECOMMENDATIONS UPON FACTS AND DATA OF A FOUR YEAR PERIOD FROM 1968 TO 1972. DURING THAT PERIOD THE COST OF POLICING ROSE FROM 125.6 MILLION DOLLARS TO 229.3 MILLION DOLLARS, OR 82.6%. THESE COSTS ESCALATED FURTHER BETWEEN 1972 AND 1976 FROM 229.3 MILLION DOLLARS TO 453.2 MILLION DOLLARS, OR BY 97.6%, INCLUSIVE OF THE COST OF THE ONTARIO PROVINCIAL POLICE. (SEE TABLE IV AT THE END OF THIS CHAPTER).

TABLE V WHICH PRESENTS THE OPERATIONAL COST ESCALATION OF THE ONTARIO PROVINCIAL POLICE SHOWS THAT BETWEEN 1968 AND 1972 THE COST INCREASE AMOUNTED TO 75.1% AND BETWEEN 1972 AND 1976 TO 86.8%.

TABLE VI WHICH RELATES TO MUNICIPAL POLICE DEPARTMENTS INDICATES THAT THE COST INCREASE IN THIS SECTOR OF POLICING WAS HIGHER THAN THAT OF THE ONTARIO PROVINCIAL POLICE BEING 85.8% BETWEEN 1968 AND 1972 AND 102.1% BETWEEN 1972 AND 1976. THE RESPECTIVE PERCENTAGES FOR THE METROPOLITAN TORONTO POLICE ARE 80.97% AND 104.21%. (SEE TABLE VII). MUNICIPAL POLICE DEPARTMENTS MORE THAN DOUBLED THEIR OPERATING EXPENSES BETWEEN 1972 AND 1976.

TABLES VIII AND IX SHOW MAJOR CAUSES OF MUNICIPAL POLICE EXPENDITURE INCREASES DURING THE PERIOD 1968 AND 1976.

THE TASK FORCE ON PAGE 107 OF ITS' REPORT WARNED THAT "THE COSTS OF POLICING WILL CONTINUE TO ESCALATE. IN FACT, THIS COST ESCALATION MIGHT OUTSTRIP BOTH THE MUNICIPALITIES AND THE ONTARIO GOVERNMENT'S ABILITY TO ADEQUATELY FINANCE POLICE EXPENDITURES.

IF SO, MAJOR SHIFTS MAY BE FORCED IN GOVERNMENT SPENDING PRIORITIES OR CONSTRAINTS WILL HAVE TO BE IMPOSED ON POLICING EXPENDITURES. THE LATTER COULD PLACE PRESSURES ON ONTARIO POLICING THAT WOULD PRECLUDE THE CONTINUATION OF THE LEVEL OF SERVICE THAT ONTARIO CURRENTLY ENJOYS. THIS POTENTIAL CRISIS IN POLICE FINANCING IS ONE OF THE CRITICAL ISSUES FACING ONTARIO POLICING".

SCHEDULE 6 (VOLUME II, PAGE 112) SHOWS THAT THE REPORT OF THE TASK FORCE ON POLICING HAS FAIRLY PREDICTED A FINANCIAL CRISIS IN ONTARIO POLICING AND DID NOT INFLUENCE THE APPLICATION OF CONSTRAINTS AS THE AVERAGE ANNUAL INCREASES OF POLICE COSTS ROSE FROM 16.24% IN THE PERIOD 1968 AND 1972 TO 18.56% IN THE FOUR YEAR PERIOD 1972 TO 1976.

THE EXAMINATION OF MUNICIPAL POLICE ACTUAL EXPENDITURE FOR 1977 AS COMPARED WITH ACTUAL EXPENDITURE FOR 1976 AND OF THE BUDGETS FOR 1978 WITH ACTUAL EXPENDITURE FOR 1977 INDICATES A SERIOUS EFFORT ON THE PART OF POLICE GOVERNING AUTHORITIES TO APPLY CERTAIN CONSTRAINTS IN THE YEARS 1977 AND 1978. TABLE X INDICATES THAT CURRENT INCREASES ARE BEING REDUCED FROM 18.56% PER ANNUM TO 9.4% AND 9.2% RESPECTIVELY.

IN THE LIGHT OF A POTENTIAL FISCAL DISASTER WHICH MIGHT BE CAUSED BY CONTINUING INCREASES IN THE COST OF MUNICIPAL POLICING, BOTH POLICE GOVERNING AUTHORITIES AND MUNICIPALITIES HAVE BEEN EXERTING, SINCE 1970, STRONG POLITICAL PRESSURES ON THE GOVERNMENT OF ONTARIO TO:-

- (a) SUBSTANTIALLY SUBSIDIZE MUNICIPAL POLICE SERVICES, AND
- (b) RELIEVE MUNICIPAL POLICE DEPARTMENTS FROM PROVIDING SUCH SERVICES AS TRANSPORTATION OF PRISONERS FOR TRIAL, SERVICE OF SUMMONSES, POLICE PROSECUTORS, SECURITY, COURT ATTENDANTS AND IN MANY INSTANCES COURT CLERKS, IN PROVINCIAL COURTS.
(SEE CHAPTERS 1 THROUGH 9).

SINCE JANUARY, 1970, THE GOVERNMENT OF ONTARIO HAS UNDERTAKEN TO ALLEVIATE MUNICIPAL FISCAL RESPONSIBILITIES NOT ONLY IN RESPECT OF POLICING BUT ALSO WITH REGARD TO OTHER MUNICIPAL SERVICES BY PROGRESSIVELY INCREASING GENERAL AND SPECIAL GRANTS INCLUDING SOME UNCONDITIONAL GRANTS WHOSE MAIN PURPOSE WAS TO REDUCE THE BURDEN OF MUNICIPAL PROPERTY TAXATION.

THE PURPOSE OF THIS REPORT IS TO EXAMINE IN DEPTH THE EXISTING OPERATIONAL, MAN-POWER AND FINANCIAL ARRANGEMENTS IN THE WHOLE SPECTRUM OF THE PRESERVATION, MAINTENANCE AND THE ENFORCEMENT OF THE LAW WITH A VIEW OF RECOMMENDING APPROPRIATE REALIGNMENTS, IF ANY, IN THE RESPECTIVE FUNCTIONS OF THE VARIOUS ELEMENTS CONTRIBUTING THEIR SERVICES TO THE ADMINISTRATION OF JUSTICE WITH SPECIAL EMPHASIS ON THE INTERACTION BETWEEN THE LAW ENFORCEMENT AGENCIES AND OUR COURT SYSTEM.

THIS CHAPTER DEALS, THEREFORE, EXCLUSIVELY WITH THE STRUCTURE, FUNDING, INCLUDING FISCAL ARRANGEMENTS AND MANAGEMENT AND SUPERVISION OF POLICE FORCES IN ONTARIO.

STRUCTURE OF ONTARIO POLICE FORCES

POLICING IN ONTARIO IS PERFORMED NOW BY THE ONTARIO PROVINCIAL POLICE FORCE AND 128 MUNICIPAL POLICE DEPARTMENTS.

THE ONTARIO PROVINCIAL POLICE IS RESPONSIBLE FOR:-

- (a) MUNICIPAL POLICING OF THAT PART OF THE PROVINCE WHERE NO MUNICIPAL POLICE DEPARTMENTS ARE IN EXISTENCE.
- (b) MUNICIPAL POLICING OF MUNICIPALITIES WHICH IN LIEU OF PROVIDING THEIR OWN MUNICIPAL POLICE DEPARTMENTS ENTERED INTO AN AGREEMENT WITH THE SOLICITOR GENERAL PURSUANT TO SECTION 62 OF THE POLICE ACT FOR THE POLICING OF THE WHOLE OR ANY PART OF THE MUNICIPALITY BY THE ONTARIO PROVINCIAL POLICE FORCE.

- (c) THE MAINTENANCE OF TRAFFIC PATROLS ON THE KING'S HIGHWAYS THAT HAVE NOT BEEN DESIGNATED FOR POLICING BY MUNICIPAL POLICE FORCES.
- (d) THE POLICING OF PROVINCIAL PARKS.
- (e) THE MAINTENANCE OF A CRIMINAL INVESTIGATION BRANCH TO ASSIST MUNICIPAL POLICE FORCES ON THE DIRECTION OF THE SOLICITOR GENERAL OR AT THE REQUEST OF THE CROWN ATTORNEY.

THE ONTARIO PROVINCIAL POLICE WITH HEAD OFFICE AT TORONTO OPERATES THROUGH 17 DISTRICT OFFICES AND APPROXIMATELY 200 DETACHMENTS. IT IS RESPONSIBLE FOR MUNICIPAL POLICING OF 14 MUNICIPALITIES OR PART OF MUNICIPALITIES UNDER 13 CONTRACTS (SEE SCHEDULE 11, VOLUME II, PAGES 174-175) COVERING RESIDENT POPULATION OF 74,060 WHICH REPRESENTS .9% OF THE POPULATION OF ONTARIO.

IN ADDITION ONTARIO PROVINCIAL POLICE PROVIDES MUNICIPAL POLICING TO 604 MUNICIPALITIES COVERING A RESIDENT POPULATION OF 1,339,668 REPRESENTING 16.4% OF THE ONTARIO POPULATION WITHOUT ANY CHARGE TO THESE MUNICIPALITIES. THE 604 MUNICIPALITIES CONSIST OF 493 ASSESSMENT MUNICIPALITIES WITH A POPULATION OVER 1,000 (KINGSTON TOWNSHIP - 24,381) AND 211 SUCH MUNICIPALITIES WITH A POPULATION UNDER 1,000 (SEE SCHEDULE 12.1, VOLUME II, PAGES 181-196).

THE AUTHORIZED MAN-POWER OF THE ONTARIO PROVINCIAL POLICE AT DECEMBER 31, 1977, CONSISTED OF:-

POLICE OFFICERS	4,183
ONTARIO GOVERNMENT PROTECTIVE SERVICES	137
OTHER STAFF	<u>1,082</u>
TOTAL	<u><u>5,402</u></u>

MUNICIPAL POLICE DEPARTMENTS ARE RESPONSIBLE FOR THE POLICING OF 181 ASSESSMENT MUNICIPALITIES COVERING A RESIDENT POPULATION OF 6,756,095 REPRESENTING 82.7% OF ONTARIO POPULATION (SEE SCHEDULE 6, VOLUME II, PAGE 112).

MUNICIPAL POLICE FORCES ARE DIVIDED INTO:

- 10 REGIONAL POLICE DEPARTMENTS INCLUDING METRO TORONTO
- 24 POLICE DEPARTMENTS OF CITIES
- 68 POLICE DEPARTMENTS OF TOWNS
- 13 POLICE DEPARTMENTS OF TOWNSHIPS
- 12 POLICE DEPARTMENTS OF VILLAGES
- 1 POLICE DEPARTMENT OF AN IMPROVEMENT DISTRICT

128 TOTAL

THE DISTRIBUTION OF MUNICIPAL POLICE DEPARTMENTS BY THE SIZE OF POPULATION WAS AS FOLLOWS ON DECEMBER 31, 1977:-

POPULATION	NO. OF POLICE DEPARTMENTS	MANPOWER	
		POLICE OFFICERS	OTHER STAFF
OVER 2,000,000	1	5,397	1,335
250,000 - 500,000	5	2,808	631
100,000 - 250,000	7	1,975	423
50,000 - 100,000	9	880	166
15,000 - 50,000	15	696	139
10,000 - 15,000	13	231	63
5,000 - 10,000	32	325	56
UNDER 5,000	46	216	59
TOTAL	128	12,528	2,872

THE TASK FORCE ON POLICING IN ONTARIO RECOMMENDED MORE THAN FOUR YEARS AGO THAT THE MINIMUM POPULATION FOR THE OPERATION OF A SEPARATE LOCAL FORCE IN COMMUNITIES OF SOUTHERN ONTARIO SHOULD BE 15,000. IT ALSO INDICATED THAT TO SIMPLY HAVE ONE MAN AVAILABLE FOR RESPONSE TO OCCURRENCES ON A TWENTY-FOUR HOUR BASIS REQUIRES A MINIMUM OF 6 POLICE OFFICERS. IN ORDER, THEREFORE, TO PROVIDE AT LEAST 2 POLICE OFFICERS ON A TWENTY-FOUR HOUR PATROL DUTY, TO ATTEND AT COURT HEARINGS, TO MAKE AVAILABLE A MINIMUM DEGREE OF SPECIALIZATION IN CRIMINAL INVESTIGATIONS, IDENTIFICATION, YOUTH, TRAFFIC SAFETY WORK AND ADMINISTRATIVE WORK, MINIMUM COMPLEMENT OF 18 POLICE OFFICERS PLUS A CHIEF AND DEPUTY CHIEF OF POLICE AND SECRETARIAL HELP WOULD BE REQUIRED.

SINCE THAT TIME, THROUGH THE RECONSTRUCTION OF A NUMBER OF COUNTIES AND ONE DISTRICT INTO REGIONAL MUNICIPALITIES, 51 LOCAL MUNICIPAL FORCES WERE ABSORBED INTO REGIONAL POLICE FORCES. IRRESPECTIVE OF THIS PROGRESS, THERE ARE STILL IN EXISTENCE 13 MUNICIPAL POLICE DEPARTMENTS (POPULATION 10,000 - 15,000) WHOSE COMPLEMENT OF POLICE OFFICERS RANGES FROM 13 AT SARNIA TOWNSHIP TO 22 AT LINDSAY WITH CLERICAL ASSISTANCE OF 2 TO 7. THERE ARE AN ADDITIONAL 32 POLICE DEPARTMENTS (POPULATION 5,000 - 10,000) WITH A COMPLEMENT OF POLICE OFFICERS RANGING FROM 5 IN MERSEA TOWNSHIP TO 17 IN TILLSONBURG TOWN AND CLERICAL ASSISTANCE OF NIL - 6 DEPARTMENTS, TO 8 - IN TILLSONBURG. FINALLY, THERE ARE STILL 46 MUNICIPAL POLICE DEPARTMENTS (POPULATION UNDER 5,000) WITH A COMPLEMENT OF 1 POLICE OFFICER EACH IN 3 DEPARTMENTS, 2 OFFICERS EACH IN 5 DEPARTMENTS, 3 OFFICERS EACH IN 8 DEPARTMENTS, 4 OFFICERS EACH IN 10 DEPARTMENTS WITH A MAXIMUM OF A COMPLEMENT OF 9 POLICE OFFICERS AT THE TOWN OF PRESCOTT IN SOUTHERN ONTARIO AND 12 POLICE OFFICERS AT MICHIPICOTEN TOWNSHIP IN NORTHERN ONTARIO. NO CLERICAL ASSISTANCE HAS BEEN PROVIDED IN 28 DEPARTMENTS; ONLY 1 IN 12 DEPARTMENTS WITH A MAXIMUM OF 6 CIVILIAN STAFF AT PETROLIA TOWN WITH A COMPLEMENT OF ONLY 6 POLICE OFFICERS.

THIS STUDY HAS CONFIRMED THE FINDINGS OF THE TASK FORCE ON POLICING IN ONTARIO THAT THE MAJORITY OF THE 91 MUNICIPAL POLICE DEPARTMENTS (POLICING POPULATION UNDER 15,000) ARE UNABLE TO UNDERTAKE THEIR FULL RESPONSIBILITIES ARISING FROM THE PROVISIONS OF THE CRIMINAL CODE, OTHER FEDERAL LEGISLATION, THE PROVINCIAL LEGISLATION AND IN MANY INSTANCES, EVEN UNDER THE MUNICIPAL BY-LAWS. THEREFORE, THEY ARE HEAVILY SUPPLEMENTED AND ASSISTED BY THE ONTARIO PROVINCIAL POLICE AND LARGER NEIGHBOURING MUNICIPAL POLICE DEPARTMENTS IN MANY ASPECTS OF THEIR WORK INCLUDING THE INVOLVEMENT IN THE ONTARIO COURT SYSTEM.

THE ELIMINATION OF THE PRESENT WEAKNESSES IN POLICING BY INADEQUATE AND INEFFECIENT SMALL POLICE FORCES CAN BE ACCOMPLISHED BY A GRADUALLY PLANNED PROGRAM WITH A FIXED TIME TABLE WHICH WOULD PROVIDE THE FOLLOWING OPTIONS:-

- (a) AMALGAMATION OF THE EXISTING SMALL POLICE FORCES INTO ONE LARGER POLICE FORCE WITH A POPULATION TO BE POLICED IN EXCESS OF 15,000.
- (b) AMALGAMATION OF SMALL POLICE FORCES WITH NEIGHBOURING LARGER POLICE DEPARTMENTS, EACH POLICING AT LEAST 15,000 POPULATION.
- (c) ABSORBTION OF POLICING WITHIN INDIVIDUAL MUNICIPALITIES BY THE ONTARIO PROVINCIAL POLICE SUBJECT TO THE MUNICIPAL FINANCIAL CONTRIBUTION EITHER UNDER A CONTRACT AGREEMENT OR A PROPOSAL PRESENTED IN THE FOLLOWING SECTION OF THIS CHAPTER ENTITLED "FUNDING AND FISCAL ARRANGEMENTS OF MUNICIPAL POLICING".

ALL MUNICIPALITIES WITH MUNICIPAL POLICE DEPARTMENTS POLICING A POPULATION OF LESS THAN 10,000 SHOULD BE ALLOWED TO EXERCISE OPTIONS UNDER (a) AND (b) ABOVE BY DECEMBER 31, 1979, AFTER WHICH TIME THE APPLICATION OF OPTION (c) SHOULD BECOME MANDATORY WITH EFFECT FROM JANUARY 1, 1981. MUNICIPALITIES WITH

MUNICIPAL POLICE DEPARTMENTS POLICING A RESIDENT POPULATION BETWEEN 10,000 - 15,000 SHOULD BE PERMITTED TO EXERCISE OPTIONS UNDER (a) and (b) ABOVE BY DECEMBER 31, 1980. THE MUNICIPAL POLICING SITUATION SHOULD BE RE-SURVEYED AGAIN DURING THE YEAR 1981, WITH A VIEW OF COMPLETE REGIONALIZATION OF ALL MUNICIPAL POLICE FORCES IN SOUTHERN ONTARIO BY DECEMBER 31, 1984, OR FINAL ABSORPTION OF MUNICIPAL POLICE DEPARTMENTS POLICING A POPULATION UNDER 15,000 BY LARGER MUNICIPAL POLICE DEPARTMENTS OR BY THE ONTARIO PROVINCIAL POLICE.

FUNDING AND FISCAL ARRANGEMENTS OF MUNICIPAL POLICING

THIS SECTION DEALS EXCLUSIVELY WITH THE FUNDING AND FISCAL ARRANGEMENTS FOR "MUNICIPAL POLICING" IN ONTARIO CARRIED OUT BY MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE. PRIOR TO JANUARY 1, 1970, THE TOTAL CAPITAL AND OPERATING COSTS OF MUNICIPAL POLICE DEPARTMENTS WERE BORNE ENTIRELY FROM PROPERTY TAX AND OTHER REVENUE OF THE MUNICIPALITY. MUNICIPAL PER CAPITA GRANTS UNDER THE MUNICIPAL UNCONDITIONAL GRANTS ACT, R.S.O. 1960, CHAPTER 259, AS AMENDED BY THE PROVISIONS OF THE MUNICIPAL UNCONDITIONAL GRANTS AMENDMENT ACT, 1968, CHAPTER 79, WERE PAID ACCORDING TO A SCHEDULE INCORPORATED IN THE ABOVE MENTIONED LEGISLATION TO EVERY MUNICIPALITY IRRESPECTIVE OF WHETHER SUCH MUNICIPALITY WAS RESPONSIBLE FOR MUNICIPAL POLICING OR NOT. THIS GRANT THEREFORE, UNDER NO CIRCUMSTANCES CAN BE CONSIDERED AS PROVINCIAL ASSISTANCE TOWARDS MUNICIPAL POLICING.

BY THE PROVISIONS OF SECTION 3 (1) (c) OF THE REGIONAL MUNICIPAL GRANTS ACT, R.S.O. 1970, CHAPTER 405, AN ADDITIONAL GRANT IN THE AMOUNT OF \$1.50 PER CAPITA WAS PAYABLE, EFFECTIVE JANUARY 1, 1970, TO REGIONAL MUNICIPALITIES WHICH AT THAT TIME, HAD BEEN MAINTAINING A REGIONAL POLICE FORCE. THIS GRANT WAS CONTINUED UNTIL DECEMBER 31, 1971, AT THE SAME RATE. UNDER SUBSEQUENT LEGISLATION RELATING TO UNCONDITIONAL GRANTS THE GRANT FOR POLICING WAS EXTENDED, EFFECTIVE JANUARY 1, 1972, TO ALL OTHER MUNICIPALITIES MAINTAINING MUNICIPAL POLICE DEPARTMENTS. THE DEVELOPMENT OF THIS GRANT BETWEEN THE YEARS 1972 AND 1977 IS REPRESENTED BY THE FOLLOWING TABLE:-

UNCONDITIONAL PER CAPITA GRANTS - POLICING

	<u>1972</u> \$	<u>1973</u> \$	<u>1974</u> \$	<u>1975</u> \$	<u>1976</u> \$	<u>1977</u> \$
POLICE DEPARTMENTS OTHER THAN REGIONAL	1.75	3.00	5.00	8.00	8.00	10.00
REGIONAL POLICE DEPARTMENTS	3.25	5.00	7.00	12.00	12.00	15.00

THE ABOVE TABLE CLEARLY INDICATES A VERY SUBSTANTIAL INEQUITY IN THE APPORTIONMENT OF THE PER CAPITA GRANTS ON POLICING BETWEEN REGIONAL MUNICIPALITIES WITH REGIONAL POLICE FORCES AND THOSE MUNICIPALITIES WHOSE MUNICIPAL DEPARTMENTS DO NOT FORM PART OF REGIONAL POLICE DEPARTMENTS.

SCHEDULE 8 (VOLUME II, PAGES 108-142) PROVIDES A DETAILED COST ANALYSIS OF MUNICIPAL POLICING FOR THE YEAR 1977. THE SUMMARY ON PAGE 118 INDICATES THAT THE PER CAPITA GRANT FOR POLICING PAID TO MUNICIPALITIES IN THAT YEAR AMOUNTED TO \$91,948,395 WHICH REPRESENTS 25% OF THE MUNICIPAL COST OF POLICING BY THE MUNICIPAL POLICE DEPARTMENTS AND UNDER THE ONTARIO PROVINCIAL POLICE CONTRACTS. THIS SCHEDULE ALSO INDICATES THAT REGIONAL MUNICIPALITIES WITH REGIONAL POLICE FORCES, EXCLUDING METRO TORONTO WHICH IS SUBJECT TO A SPECIFIC ASSESSMENT, RECEIVED PER CAPITA GRANTS ON POLICING AMOUNTING TO 34.47% OF THEIR COST OF POLICING IN 1977, WHILE SUCH GRANTS TO MAJOR NON-REGIONAL POLICE DEPARTMENTS REPRESENTED THE FOLLOWING PERCENTAGES OF THE TOTAL OPERATING COSTS OF POLICING:-

OTTAWA CITY	16.19% (PAGE 127)
WINDSOR CITY	17.22% (PAGE 131)
KINGSTON CITY	20.40% (PAGE 132)
BELLEVILLE CITY	19.11% (PAGE 133)
SARNIA CITY	23.13% (PAGE 134)
LONDON CITY	24.23% (PAGE 136)
PETERBOROUGH	21.64% (PAGE 138)
CORNWALL CITY	23.38% (PAGE 140)

GUELPH CITY	24.80% (PAGE 140)
SAULT STE. MARIE CITY	25.05% (PAGE 141)
TIMMINS CITY	25.32% (PAGE 141)
NORTH BAY CITY	18.43% (PAGE 142)
THUNDER BAY CITY	21.51% (PAGE 143)

THE ABOVE MENTIONED INEQUITIES IN THE APPLICATION OF THIS GRANT BECOME MORE OBVIOUS IF WE TAKE INTO CONSIDERATION THE FACT THAT MOST OF THE REGIONAL POLICE DEPARTMENTS ARE RESPONSIBLE FOR A MIXED URBAN AND RURAL POLICING WHERE THE LATTER IS MUCH LESS EXPENSIVE AND REQUIRES FEWER RESOURCES THAN THE POLICING OF THE ABOVE MENTIONED CITIES WHICH WITH MINOR EXCEPTIONS ARE RESPONSIBLE FOR POLICING DENSE URBAN POPULATIONS.

THE REVIEW OF OTHER MUNICIPAL UNCONDITIONAL GRANTS FROM THE POINT OF VIEW OF PARTIAL FINANCING OF THE MUNICIPAL POLICE DEPARTMENTS INDICATES THAT THE GENERAL SUPPORT GRANTS AND NORTHERN ONTARIO SPECIAL SUPPORT GRANTS, BOTH BASED ON THE NET MUNICIPAL LEVY, ATTRACT ADDITIONAL PROVINCIAL SUPPORT TO MUNICIPALITIES WITH POLICE DEPARTMENTS. THE INCIDENCE OF THE GENERAL SUPPORT GRANT TO MUNICIPALITIES IN SOUTHERN ONTARIO COULD BE EVALUATED AT THE SUM OF \$14,311,500. THE COMBINATION OF THE GENERAL SUPPORT AND NORTHERN SPECIAL SUPPORT GRANTS TO MUNICIPALITIES WITH POLICE FORCES IN NORTHERN ONTARIO, ATTRIBUTABLE TO THE NET MUNICIPAL DOLLAR LEVY FOR POLICING, WOULD AMOUNT TO \$3,499,400.

THE COMBINED SUPPORT OF THE PROVINCE TO MUNICIPALITIES WITH THEIR OWN POLICE DEPARTMENTS OR POLICED UNDER AN ONTARIO PROVINCIAL POLICE CONTRACT AMOUNTS IN 1977 TO :-

- PER CAPITAL GRANT ON POLICING	\$ 91,948,395
- SOUTHERN ONTARIO GENERAL SUPPORT GRANT APPLICABLE TO THE COST OF POLICING	\$ 14,311,500
- NORTHERN ONTARIO GENERAL SUPPORT AND NORTHERN SPECIAL SUPPORT GRANTS APPLICABLE TO MUNICIPAL POLICING	\$ 3,499,400
<hr/>	
TOTAL PROVINCIAL SUPPORT ARISING FROM THE ABOVE MENTIONED UNCONDITIONAL GRANTS	\$109,759,295
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THE COMBINATION OF THESE THREE GRANTS REPRESENTED 30% PROVINCIAL SUPPORT TO MUNICIPALITIES FOR POLICING IN 1977.

THE OTHER UNCONDITIONAL GRANTS SUCH AS, RESOURCE EQUALIZATION, PER CAPITA GENERAL, PER CAPITA DENSITY AND TRANSITIONAL AND SPECIAL ASSISTANCE, ALTHOUGH IN MANY INSTANCES WOULD PARTIALLY CONTRIBUTE TOWARDS THE MUNICIPAL COST OF POLICING, CANNOT BE CONSIDERED AS A GENERAL CONTRIBUTING COMPONENT OF PROVINCIAL SUPPORT FOR POLICING.

THE FINANCIAL ANALYSIS PRESENTED IN SCHEDULE 8 (VOLUME II, PAGE 118) RELATING TO THE METROPOLITAN TORONTO POLICE DEPARTMENT SHOWS A UNIQUE POSITION OF THIS FORCE IN THE COST OF POLICING PER 1,000 POPULATION OF \$70,883, POLICE OFFICERS/POPULATION INDEX 1/399, AND THE LOWEST, FROM AMONG REGIONAL POLICE FORCES, PERCENTAGE RELATIONSHIP BETWEEN THE PER CAPITA GRANT FOR POLICING AND THE TOTAL OPERATING COST OF 21.18%. THE UNUSUALLY HIGH COST OF POLICING OF THE METROPOLITAN TORONTO AREA ARISES MAINLY FROM EXTREMELY HIGH CONCENTRATION OF POPULATION IN HIGHRISE APARTMENTS AND OTHER BUILDINGS, THE CONSIDERABLE INFLUX OF PEOPLE WHO LIVE OUTSIDE OF TORONTO AND WORK IN THE METRO MUNICIPALITY, THE HIGH NUMBER OF TRANSIENTS WITH QUESTIONABLE BACKGROUNDS MOVING THROUGH THE MUNICIPALITY, WHICH GIVE RISE TO COMPARATIVELY HIGH INCIDENCE OF CRIME AND OTHER OFFENCES. THE RESIDENTIAL POPULATION OF TORONTO OF 2,154,279 REPRESENTS 26.37% OF THE TOTAL POPULATION OF ONTARIO. THE METROPOLITAN POLICE DEPARTMENT WAS UNABLE, DURING THIS STUDY, TO PROVIDE SOME CONCRETE INFORMATION REGARDING THE INFLUX OF OUTSIDERS TO WORK, FOR ENTERTAINMENT, FOR TEMPORARY STAY AS TOURISTS, FOR BUSINESS AND SIMPLY AS TRANSIENTS. THERE IS NO DOUBT THAT METRO TORONTO ATTRACTS DAILY AT LEAST 20-30% NON-RESIDENTS FOR VARIOUS PURPOSES.

THE SUMMARY OF CASELOAD OF PROVINCIAL COURTS (CRIMINAL DIVISION) (SEE TABLE III, CHAPTER 11) INDICATES THAT IN THE YEAR 1977, 50% OF THE TOTAL CASELOAD OF THESE COURTS WAS PROCESSED IN THE COURTS OF METROPOLITAN TORONTO. THE PERCENTAGES OF OFFENCES DEALT WITH BY THE COURTS OF METROPOLITAN TORONTO, MOSTLY AT THE INSTIGATION OF THE METROPOLITAN TORONTO POLICE FORCE WERE AS FOLLOWS:-

- UNDER THE CRIMINAL CODE OF CANADA	33.24%
- UNDER THE HIGHWAY TRAFFIC ACT	42.55%
- UNDER MUNICIPAL BY-LAWS (MOSTLY PARKING OFFENCES)	65.87%

METROPOLITAN TORONTO AS A SEAT OF THE PROVINCIAL GOVERNMENT, SEVERAL AGENCIES OF THE FEDERAL GOVERNMENT AND A GREAT NUMBER OF FOREIGN CONSULATES AND OTHER MISSIONS, DEMANDS FROM THE LOCAL POLICE FORCE A CONSTANT ABILITY TO DEAL WITH UNPREDICTABLE EMERGENCIES AND PROVISION OF SECURITY UNDER UNUSUAL CIRCUMSTANCES.

POLICE DEPARTMENTS IN OTTAWA, BEING A SEAT OF THE FEDERAL GOVERNMENT, AND IN WINDSOR, NEIGHBOURING WITH THE LARGE AMERICAN METROPOLIS OF DETROIT, ARE ALSO REQUIRED TO PROVIDE SPECIFIC ADDITIONAL SECURITY SERVICES SIMILAR TO THOSE PROVIDED BY METROPOLITAN TORONTO BUT PERHAPS TO A LESSER DEGREE BY REASON OF THE SIZE OF THOSE CITIES. THESE SPECIFIC SITUATIONS OF OTTAWA CITY AND THE CITY OF WINDSOR CLEARLY MANIFEST THEMSELVES IN THE COST AND MAN-POWER ANALYSIS (SCHEDULE 8.6, VOLUME II, PAGES 127-131).

THE FINANCING OF MUNICIPAL POLICE DEPARTMENTS, LIKE THE FINANCING OF THE ONTARIO SCHOOL SYSTEM AND OF THE MAINTENANCE OF ROADS AND BRIDGES DOES NOT LEND ITSELF TO PROVINCIAL SUPPORT BY MEANS OF UNCONDITIONAL MUNICIPAL GRANTS. THE FINANCIAL RESPONSIBILITY RESTS WITH BOARDS OF COMMISSIONERS OF POLICE AND ULTIMATELY WITH THE ONTARIO POLICE COMMISSION UNDER THE PROVISIONS OF THE POLICE ACT. THE RELATIONSHIP OF THESE BOARDS TO MUNICIPALITIES SHOULD BE SIMILAR TO THAT OF SCHOOL BOARDS.

THE SIZE, STANDARDS AND THE SCOPE OF OPERATIONS OF BOTH MUNICIPAL POLICE DEPARTMENTS AND OF THE ONTARIO PROVINCIAL POLICE ARE MORE DEPENDENT UPON FEDERAL AND PROVINCIAL LEGISLATION THAN THE REQUIREMENTS OF MUNICIPAL BY-LAWS. THE MAINTENANCE OF THE PEACE, LAW AND ORDER IN MUNICIPALITIES AND THE PREVENTION AND DETECTION OF CRIME ARE MAINLY REGULATED BY THE PROVISIONS OF THE CRIMINAL CODE, OTHER FEDERAL LEGISLATION AND AN EXTENSIVE PROVINCIAL LEGISLATION BINDING POLICE OFFICERS AS CONSTABLES AND PEACE OFFICERS WITH CANADA-WIDE JURISDICTION WHICH UNDER NO CIRCUMSTANCES CAN BE RESTRICTED BY MUNICIPAL COUNCILS.

THE PROVINCIAL FINANCING OF MUNICIPAL POLICE SERVICES BY "THE PRESENT SYSTEM OF UNCONDITIONAL GRANTS" IMPLIES THAT THE POPULATION OF REGIONAL MUNICIPALITIES WITH A REGIONAL POLICE FORCE REQUIRES MORE POLICE PROTECTION THAN THAT OF CITIES, TOWNS, TOWNSHIPS OR VILLAGES WITH THEIR OWN POLICE DEPARTMENTS. THIS SYSTEM OF FINANCIAL SUPPORT TO POLICING DEPRIVES THE SOLICITOR GENERAL WHO IS ULTIMATELY RESPONSIBLE FOR THE DEVELOPMENT, OPERATIONS AND CONTROL OF THE LAW ENFORCEMENT IN THE PROVINCE FROM THE EQUITABLE APPORTIONMENT OF FINANCIAL RESOURCES ACCORDING TO THE FACTUAL REQUIREMENTS OF POLICING IN VARIOUS REGIONS OF THE PROVINCE, WITH A SPECIFIC EMPHASIS UPON THE RESPECTIVE ALLOCATION OF SUCH RESOURCES BETWEEN THE MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE, WHERE ONE SUPPLEMENTS THE OTHER IN THE BASIC FUNCTION OF MAINTAINING LAW AND ORDER IN THE MUNICIPALITY.

THE EXISTING INEQUITIES IN THE FINANCING OF MUNICIPAL POLICING, AS INDICATED IN DETAIL IN SCHEDULE 8, 9, 10 AND 11 (VOLUME II, PAGES 118-175) CAN ONLY BE RECTIFIED BY:-

- (1) REMOVING PROVINCIAL FINANCING OF ALL POLICING IN ONTARIO FROM THE SYSTEM OF MUNICIPAL UNCONDITIONAL GRANTS.
- (2) TRANSFERRING BUDGETARY FUNDS FOR THIS PURPOSE FROM THE DIRECT CONTROL BY THE MINISTRY OF TREASURY AND ECONOMICS OR THE MINISTRY OF INTERGOVERNMENTAL AFFAIRS TO THE MINISTRY OF THE SOLICITOR GENERAL DIRECTLY RESPONSIBLE FOR THE LAW ENFORCEMENT IN ONTARIO.
- (3) DIRECTING THE MINISTRY OF THE SOLICITOR GENERAL IN CONJUNCTION WITH THE ONTARIO POLICE COMMISSION TO DEVELOP COMPREHENSIVE STANDARDS FOR MUNICIPAL POLICING BY REGIONAL AND LOCAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE, INCLUDING CRITERIA GOVERNING PROVINCIAL FINANCING OF THESE OPERATIONS.

SCHEDULE 11 (VOLUME II, PAGES 174-175) PRESENTS A COMPARISON BETWEEN THE CHARGES MADE BY THE ONTARIO PROVINCIAL POLICE (AS ESTIMATED IN OCTOBER, 1977) TO MUNICIPALITIES FOR POLICING UNDER 13 CONTRACTS WITH WHAT IS CONSIDERED THE FAIR COST OF POLICING IN ACCORDANCE WITH THE PREVAILING STANDARDS OF POLICING RURAL AREAS IN THE PROVINCE. IT APPEARS FROM THE SCHEDULE THAT ONLY 5 MUNICIPALITIES (ROCKCLIFFE PARK, BLENHEIM, RIDGETWON, CAMPBELL-FORD AND MCGARRY) ARE CHARGED FOR THE ACTUAL NUMBER OF POLICE OFFICERS REQUIRED TO POLICE SUCH MUNICIPALITIES. THE OTHER MUNICIPALITIES INDICATED ON THE SCHEDULE SEEM TO BE HEAVILY SUBSIDIZED BY THE ONTARIO PROVINCIAL POLICE IN MAN-POWER AND COSTS. SPECIFIC EXAMPLES OF THIS INEQUITY ARE THE TOWN OF CALEDON IN THE REGIONAL MUNICIPALITY OF PEEL, BRANTFORD TOWNSHIP, BELLE RIVER AND PART OF MAIDSTONE TOWNSHIP, GOSFIELD SOUTH, WHEATLEY AND ALMONTE. IT SEEMS THAT A FAIR COST OF ONTARIO PROVINCIAL POLICE CONTRACT POLICING FOR THE YEAR 1977 WOULD AMOUNT TO \$2,869,900 AS AGAINST THE APPROXIMATE CHARGE OF \$1,329,729 TO MUNICIPALITIES. IT SHOULD BE NOTED HERE THAT THE AGREEMENT RELATING TO THE POLICING OF CALEDON PROVIDES FOR THE PAYMENT OF A ONE THIRD PART OF THE ACTUAL COST IN 1977, TWO THIRDS IN 1978 AND THE TOTAL COST IN 1979 AND FOLLOWING YEARS. THE SCHEDULE SHOWS THAT CONTRACT POLICING BY THE ONTARIO PROVINCIAL POLICE RESULTED IN SUBSIDISING THE MUNICIPALITIES UNDER CONTRACT TO THE EXTENT OF APPROXIMATELY 54%.

IT IS CONSIDERED THAT THE ONTARIO PROVINCIAL POLICE IN CO-OPERATION WITH THE MINISTRY OF THE SOLICITOR GENERAL SHOULD DEVELOP SOME VALID STANDARDS FOR UNIFORM STAFFING AND COSTING OF CONTRACTUAL POLICE SERVICES TO MUNICIPALITIES.

THIS SITUATION LOOKS MUCH WORSE FROM THE EQUITY POINT OF VIEW WITH REGARD TO MUNICIPAL POLICING BY THE ONTARIO PROVINCIAL POLICE WHICH IS FREE FROM ANY CHARGE TO OR CONTRIBUTION BY 604 MUNICIPALITIES IN THE PROVINCE. SCHEDULE 12 (VOLUME II, PAGES 176-180) PRESENTS A CLOSE ESTIMATE OF THE MAN-POWER REQUIRED AND THE COST OF SUCH POLICING TO THE ONTARIO GOVERNMENT. THE COST INDICATED IN SCHEDULE 12 DOES NOT INCLUDE POLICING REQUIREMENTS

RELATING TO SUMMER RESIDENCES AND OTHER PROPERTIES OF NON-RESIDENT OWNERS WHICH COULD BE ESTIMATED AS AN EQUIVALENT OF APPROXIMATELY 130,000 ADDITIONAL RESIDENT POPULATION FOR POLICING PURPOSES. THE ADDITIONAL MAN-POWER REQUIREMENT WOULD BE APPROXIMATELY 171 POLICE OFFICERS AND 17 CIVILIANS AT A COST OF \$4,927,000, MORE OR LESS. THE TOTAL COST OF SO CALLED "FREE POLICING" BY THE ONTARIO PROVINCIAL POLICE WOULD AMOUNT TO APPROXIMATELY \$56,848,000 REQUIRING THE MAN-POWER OF 1,976 POLICE OFFICERS AND 190 OTHER EMPLOYEES. MUNICIPAL FREE POLICING OF THE ONTARIO PROVINCIAL POLICE REPRESENTS, THEREFORE, NEARLY 43% OF THE ACTUAL BUDGETARY EXPENDITURES OF THE ONTARIO PROVINCIAL POLICE IN 1977/78 OF \$132,919,000.

SCHEDULE 12.1 (VOLUME II, PAGES 181-196) PROVIDES THE NAMES, SIZE OF POPULATION AND NUMBER OF HOUSEHOLDS IN MUNICIPALITIES POLICED FREE OF CHARGE BY THE ONTARIO PROVINCIAL POLICE. IN THE REGION OF DURHAM THE ONTARIO PROVINCIAL POLICE POLICES FREE OF CHARGE TWO MUNICIPALITIES WITH 19,833 POPULATION AND THE REGIONAL MUNICIPALITY RECEIVES IN RESPECT OF THIS POPULATION A GRANT FOR POLICING OF \$297,495. THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK RECEIVES A GRANT FOR POLICING AMOUNTING TO \$792,390 IN RESPECT OF 52,826 RESIDENTS POLICED FREE OF CHARGE BY THE ONTARIO PROVINCIAL POLICE. HALTON REGION RECEIVES IN SIMILAR CIRCUMSTANCES, A GRANT FOR POLICING OF \$50,550. THE TOWNSHIP OF MAIDSTONE IN THE COUNTY OF ESSEX IS PARTLY POLICED BY THE ONTARIO PROVINCIAL POLICE ON CONTRACT, HOWEVER, A PART OF THIS TOWNSHIP WITH 3,656 PEOPLE IS POLICED FREE OF CHARGE BY ONTARIO PROVINCIAL POLICE AND THE MUNICIPALITY RECEIVES A POLICING GRANT OF \$36,560 IN RESPECT OF POPULATION POLICED FREE OF CHARGE. THE SAME SITUATION EXISTS IN EAST ZORRA-TAVISTOCK TOWNSHIP AND NORWICH TOWNSHIP IN THE COUNTY OF OXFORD WHERE THE ABOVE MENTIONED MUNICIPALITIES RECEIVE \$135,200 OF POLICING GRANTS IN RESPECT OF 13,520 POPULATION POLICED FREE OF CHARGE BY THE ONTARIO PROVINCIAL POLICE IN PARTS OF THESE TOWNSHIPS. IT IS CONSIDERED THAT PER CAPITA GRANTS FOR POLICING SHOULD ONLY BE PAID IN RESPECT OF POPULATION ACTUALLY POLICED BY MUNICIPAL POLICE DEPARTMENTS OR UNDER AN ONTARIO PROVINCIAL POLICE CONTRACT BUT NOT IN RESPECT OF POPULATION WHERE FREE OF CHARGE POLICING TO MUNICIPALITIES IS PROVIDED BY THE ONTARIO PROVINCIAL POLICE.

IN THE YEAR 1977, MUNICIPALITIES MAINTAINING THE 128 MUNICIPAL POLICE DEPARTMENTS EXPENDED APPROXIMATELY AN AVERAGE OF \$37,000 PER 1,000 POPULATION FOR POLICING FROM FUNDS RAISED BY MUNICIPAL PROPERTY TAXATION AND OTHER MUNICIPAL REVENUES. IN ORDER TO ACHIEVE FAIRNESS AND EQUITY THROUGHOUT THE PROVINCE IN RESPECT OF FUNDING AND FINANCING OF MUNICIPAL POLICING, MUNICIPALITIES INCLUDED IN THE ABOVE MENTIONED SCHEDULE 12.1, PERHAPS WITH SOME MINOR EXCEPTIONS IN THE NORTHERN PARTS OF THE PROVINCE, SHOULD CONTRIBUTE AT LEAST BETWEEN 50% AND 60% OF COST FOR THEIR OWN POLICING BY THE ONTARIO PROVINCIAL POLICE.

IT IS SUGGESTED THAT EFFECTIVE FROM JANUARY 1, 1979, A GRADUAL LEVY BE IMPOSED ON THE ABOVE MENTIONED MUNICIPALITIES AS FOLLOWS:

- IN 1979 - 40% OF THE ACTUAL COST OF POLICING
- IN 1980 - 45% OF SUCH COSTS
- IN 1981 - 50% OF SUCH COSTS
- IN 1982 - 55% OF SUCH COSTS
- IN 1983 AND FOLLOWING YEARS,
 - 60% OF THE ACTUAL COST OF POLICING

MUNICIPALITIES PAYING THE LEVY SHOULD BE ALLOWED AT ANY TIME WITH ONE YEARS NOTICE TO THE SOLICITOR GENERAL TO:-

- (a) CREATE AMONG THEMSELVES A REGIONAL MUNICIPAL POLICE FORCE COVERING THE POLICING OF NOT LESS THAN 15,000 RESIDENT POPULATION, OR
- (b) AMALGAMATE WITH EXISTING LARGER MUNICIPAL POLICE DEPARTMENTS WITHIN THE REGION, COUNTY OR DISTRICT, OR
- (c) CREATE WITH OTHER EXISTING MUNICIPAL POLICE DEPARTMENTS WITHIN THE REGIONAL MUNICIPALITY, COUNTY OR DISTRICT, REGIONAL POLICE DEPARTMENTS COVERING THE WHOLE OF SUCH REGIONAL MUNICIPALITY, COUNTY OR DISTRICT.

THE EXISTING CONTRACTS WITH THE ONTARIO PROVINCIAL POLICE SHOULD BE DISCONTINUED AND THE MUNICIPALITIES CONCERNED SHOULD PAY A LEVY AS ABOVE INDICATED. THE POLICING LEVY SHOULD BE SUBJECT TO RESOURCE EQUALIZATION, GENERAL SUPPORT, AND NORTHERN ONTARIO SPECIAL SUPPORT UNCONDITIONAL GRANTS WHICH WOULD ALLEVIATE, TO A CERTAIN EXTENT, THE NEW EXPENDITURES FROM GENERAL MUNICIPAL LEVY.

MANAGEMENT AND SUPERVISION OF POLICE FORCES

THE MANAGEMENT AND DIRECT CONTROL OF THE ONTARIO MUNICIPAL POLICE DEPARTMENTS ARE EXERCISED PURSUANT TO THE PROVISIONS OF THE POLICE ACT BY THE BOARDS OF COMMISSIONERS OF POLICE IN RESPECT OF 70 SUCH DEPARTMENTS (10 REGIONAL, 24 CITY, 30 TOWN AND 6 TOWNSHIP DEPARTMENTS) AND BY MUNICIPAL COUNCILS OR COMMITTEES OF SUCH COUNCILS WITH REGARD TO THE REMAINING 58 POLICE DEPARTMENTS (42 TOWN, 7 VILLAGE, 8 TOWNSHIP AND 1 IMPROVEMENT DISTRICT DEPARTMENTS) - A TOTAL OF 128 MUNICIPAL POLICE DEPARTMENTS. THE BOARDS AND COUNCILS, AS THE CASE MAY BE, ARE RESPONSIBLE FOR THE APPOINTMENT OF A CHIEF OF POLICE, SUCH OTHER OFFICERS AND SUCH CONSTABLES, ASSISTANTS AND CIVILIAN EMPLOYEES AS THE BOARD OR COUNCIL CONSIDERS NECESSARY AND SHALL PROVIDE THEIR POLICE DEPARTMENTS WITH ADEQUATE ACCOMMODATION, ARMS, EQUIPMENT, CLOTHING AND OTHER SUPPLIES FOR POLICING.

THE RESPONSIBILITY FOR THE PROFESSIONAL MANAGEMENT OF A MUNICIPAL POLICE DEPARTMENT AND THE MAINTENANCE OF DISCIPLINE WITHIN THE DEPARTMENT RESTS WITH THE POLICE CHIEF SUBJECT TO REGULATIONS MADE UNDER BY-LAWS OF THE BOARD OR OF THE MUNICIPAL COUNCIL.

ACCORDING TO SECTION 42 OF THE POLICE ACT, A COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE FORCE APPOINTED BY THE LIEUTENANT GOVERNOR IN COUNCIL IS RESPONSIBLE FOR THE GENERAL CONTROL AND ADMINISTRATION OF THE ONTARIO PROVINCIAL POLICE FORCE AND THE EMPLOYEES CONNECTED THEREWITH "SUBJECT TO THE DIRECTION OF THE ONTARIO POLICE COMMISSION AS APPROVED BY THE SOLICITOR GENERAL".

SECTION 43 OF THE POLICE ACT CURRENTLY PROVIDES THAT "THE COMMISSIONER IS EX OFFICIO A PROVINCIAL JUDGE FOR THE PROVINCE OF ONTARIO", UNLESS OTHERWISE PROVIDED BY ORDER-IN-COUNCIL. THIS PROVISION BY REASON OF THE PRESENT UNDERSTANDING OF THE MEANINGS OF "ADMINISTRATION OF JUSTICE" AND "LAW ENFORCEMENT" SHOULD BE REVOKED.

WHERE THE ONTARIO PROVINCIAL POLICE PERFORMS MUNICIPAL POLICING RESPONSIBILITIES UNDER AN AGREEMENT ENTERED PURSUANT TO THE PROVISION OF SECTION 62 OF THE POLICE ACT, THE MEMBERS OF THE ONTARIO PROVINCIAL POLICE FORCE ASSIGNED TO DUTY IN THE MUNICIPALITY ARE CHARGED WITH THE DUTY OF PRESERVING THE PEACE, PREVENTING CRIME AND OTHER OFFENCES, INCLUDING OFFENCES AGAINST THE BY-LAWS OF THE MUNICIPALITY AND SHALL PERFORM SUCH OTHER DUTIES AS ARE SPECIFIED IN THE AGREEMENT. WHERE, HOWEVER, THE ONTARIO PROVINCIAL POLICE PROVIDES MUNICIPAL POLICING PURSUANT TO THE PROVISIONS OF SUBSECTION 1 OF SECTION 3 OF THE POLICE ACT (POLICING FREE FROM ANY CHARGE TO MUNICIPALITIES) SUCH FORCE IS NOT RESPONSIBLE FOR ENFORCING MUNICIPAL BY-LAWS. THERE ARE THREE TYPES OF MUNICIPAL BY-LAWS WHICH SHOULD BE CONSIDERED AS PART OF A GENERAL POLICING RESPONSIBILITY OF ANY FORCE EXERCISING THE FUNCTIONS OF A MUNICIPAL POLICE FORCE. THESE ARE SNOW REMOVAL, NOISE CONTROL AND PARKING BY-LAWS WHICH SHOULD BE INTRODUCED, IF THEY ARE NOT AT PRESENT IN EXISTENCE, IN ALL MUNICIPALITIES. SUCH BY-LAWS SHOULD BE ENFORCEABLE BY PEACE OFFICERS RATHER THAN BY MUNICIPAL BY-LAW OFFICERS IN SMALLER MUNICIPALITIES.

THE ONTARIO POLICE COMMISSION COMPOSED OF THREE PERSONS APPOINTED BY THE LIEUTENANT GOVERNOR IN COUNCIL EXERCISES, PURSUANT TO THE PROVISIONS OF THE POLICE ACT, A NUMBER OF SUPERVISORY, ADVISORY, AND QUASI-JUDICIAL FUNCTIONS AND RESPONSIBILITIES IN RELATION TO MUNICIPALITIES, MUNICIPAL POLICE GOVERNING AUTHORITIES AND MUNICIPAL POLICE DEPARTMENTS AND THEIR MEMBERS. SUBJECT TO THE APPROVAL OF THE SOLICITOR GENERAL THE COMMISSION MAY ALSO PROVIDE DIRECTION IN MATTERS RELATING TO THE ADMINISTRATION OF THE PROVINCIAL POLICE FORCE AND ITS' STAFF.

IN EXERCISING ITS' SUPERVISORY RESPONSIBILITIES THE COMMISSION MAY:-

- (a) RECOMMEND TO THE SOLICITOR GENERAL, WHERE IN THE OPINION OF THE COMMISSION A MUNICIPAL POLICE FORCE IS NOT CAPABLE OF PROVIDING ADEQUATE POLICING, THAT SUCH MUNICIPALITY OR ITS' PART BE POLICED BY THE ONTARIO PROVINCIAL POLICE.
- (b) REQUEST THE COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE TO SECURE THE PROPER POLICING OF A MUNICIPALITY BY THE ONTARIO PROVINCIAL POLICE WHERE A MUNICIPALITY DESIGNATED TO PROVIDE MUNICIPAL POLICING DOES NOT MAINTAIN A POLICE FORCE OR DOES NOT PROVIDE ADEQUATE POLICING BY MEANS OF AN AGREEMENT UNDER SECTIONS 61 OR 62 OF THE POLICE ACT. THE COST OF THE ONTARIO PROVINCIAL POLICE SHALL BE CHARGED TO THE MUNICIPALITY AND MAY BE DEDUCTED FROM ANY PROVINCIAL GRANT OR OTHERWISE RECOVERED WITH COSTS THROUGH A COURT ACTION.
- (c) DIRECT A COUNCIL OF A MUNICIPALITY OR A BOARD OF COMMISSIONERS OF POLICE TO TAKE SUCH STEPS AS THE COMMISSION CONSIDERS NECESSARY WHERE A MUNICIPALITY DOES NOT PROVIDE OR MAINTAIN ITS' OWN POLICE FORCE OR DOES NOT PROVIDE OR MAINTAIN ADEQUATE POLICING OR DOES NOT COMPLY WITH THE POLICE ACT AND THE REGULATION MADE THEREUNDER. WHERE THE COUNCIL OR THE BOARD NEGLECTS TO COMPLY WITH THE COMMISSION'S DIRECTION IT MAY REQUEST THE COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE TO SECURE THE PROPER POLICING OF THE MUNICIPALITY BY HIS FORCE AND CHARGE THE MUNICIPALITY FOR THE COSTS OF SUCH POLICING IN THE MANNER INDICATED UNDER (b) ABOVE.
- (d) DETERMINE, AFTER A HEARING, THE ESTIMATES OF THE MUNICIPAL POLICE DEPARTMENTS, THE ADEQUACY OF THE NUMBER OF MEMBERS OF THE POLICE FORCE OR THE ACCOMMODATION, ARMS, EQUIPMENT OR OTHER SUPPLIES FOR THE USE AND MAINTENANCE OF THE FORCE WHERE THERE IS A DISAGREEMENT BETWEEN THE MUNICIPAL COUNCIL AND THE BOARD OF COMMISSIONERS OF POLICE IN THESE MATTERS.

- (e) APPROVE THE ESTABLISHMENT AND MAINTENANCE OF A POLICE FORCE BY ANY COUNTY, TOWNSHIP, VILLAGE OR A POLICE VILLAGE NOT REQUESTED TO HAVE SUCH FORCE UNDER SECTION 2 OF THE POLICE ACT.
- (f) ON A RECOMMENDATION OF THE MUNICIPAL COUNCIL APPROVE THE LEVYING OF DIFFERENT RATES FOR THE MAINTENANCE OF ITS' OWN POLICE FORCE BETWEEN VARIOUS AREAS OF THE MUNICIPALITY OR THE GRANTING OF AN ENTIRE OR PARTIAL EXEMPTION IN RESPECT OF LANDS AND BUILDINGS USED EXCLUSIVELY FOR FARMING PURPOSES.
- (g) APPROVE AGREEMENTS BETWEEN OR AMONG MUNICIPALITIES FOR THE AMALGAMATION OF THEIR POLICE DEPARTMENTS.
- (h) REQUIRE MUNICIPALITIES TO PROVIDE SUCH LOCK-UPS AS THE COMMISSION MAY DETERMINE.

THE COMMISSION IS ALSO RESPONSIBLE FOR ASSISTING AND ADVISING POLICE GOVERNING AUTHORITIES AND POLICE FORCES BY THE FOLLOWING:-

- (a) MAINTENANCE OF A SYSTEM OF STATISTICAL RECORDS AND RESEARCH STUDIES OF CRIMINAL OCCURRENCES AND RELATED MATTERS.
- (b) PROVISION OF CONSULTATION AND ADVICE TO POLICE GOVERNING AUTHORITIES AND CHIEFS OF POLICE ON ALL MATTERS RELATING TO POLICE AND POLICING.
- (c) PROVIDING ADVICE RESPECTING THE MANAGEMENT AND OPERATION OF POLICE FORCES, TECHNIQUES IN HANDLING SPECIAL PROBLEMS AND OTHER INFORMATION CALCULATED TO ASSIST.
- (d) CONDUCTING A SYSTEM OF VISITS TO THE POLICE FORCES THROUGH ITS' MEMBERS AND ADVISORS.
- (e) ASSISTING IN CO-ORDINATION OF THE WORK AND EFFORTS OF THE POLICE FORCE.

- (f) PROVIDING ADEQUATE POLICE TRAINING THROUGH THE ONTARIO POLICE COLLEGE.
- (g) WITH THE APPROVAL OF THE SOLICITOR GENERAL ESTABLISHING AND REQUIRING THE INSTALLATION OF AN INTERCOMMUNICATIONS SYSTEM OR SYSTEMS.
- (h) INITIATING APPROPRIATE REGULATIONS OF THE LIEUTENANT GOVERNOR IN COUNCIL UNDER SECTION 72 OF THE POLICE ACT.

IN EXERCISING ITS' QUASI-JUDICIAL FUNCTIONS THE COMMISSION:-

- (a) UPON AN APPLICATION OF ANY PERSON AFFECTED, DETERMINES AFTER A HEARING WHETHER OR NOT ANY PERSON IS A MEMBER OR SENIOR OFFICER OF A POLICE FORCE.
- (b) CONDUCTS INVESTIGATIONS INTO THE ADMINISTRATION OF ANY POLICE FORCE, THE SYSTEM OF POLICING AND THE POLICE NEEDS.
- (c) HEARS AND DISPOSES OF APPEALS BY MEMBERS OF POLICE FORCES INCLUDING CHIEFS OF POLICE.

THE ONTARIO POLICE COMMISSION, SINCE ITS' ESTABLISHMENT BY THE PROVISIONS OF THE POLICE AMENDMENT ACT, 1961-62, CHAPTER 105, HAS CONCENTRATED ITS' EFFORTS ON RAISING QUALIFICATIONS AND SKILLS OF POLICE OFFICERS THROUGH VARIOUS COURSES CONDUCTED AT THE ONTARIO POLICE COLLEGE AND OTHER IN-SERVICE TRAINING FACILITIES; ON INTRODUCING UNIFORMITY IN POLICE RANKING, CLOTHING AND THE USE OF FIREARMS AND OTHER WEAPONS; ON ESTABLISHING A CODE OF DISCIPLINE AND OFFENCES WHICH INCLUDES PROCEDURES, PENALTIES AND APPELLATE ARRANGEMENTS.

THE COMMISSION HAS BEEN ASSISTING POLICE FORCES AND INCREASING THEIR EFFECTIVENESS THROUGH THE INSTALLATION OF TERMINALS WITH THE CANADIAN POLICE INFORMATION CENTRE (C.P.I.C.) AND BY SUBSIDISING AND PROVIDING TECHNICAL ADVICE IN THE IMPROVEMENT OF

OTHER POLICE COMMUNICATIONS SYSTEMS. IT'S SUCCESSES IN IMPROVING CO-OPERATION AMONG POLICE GOVERNING AUTHORITIES AND MUNICIPAL POLICE DEPARTMENTS HAS BEEN BASED MAINLY ON PERSUASION AND THE PUBLIC RELATIONS WORK OF ITS' MEMBERS, POLICE ADVISORS AND TECHNICAL EXPERTS.

UNFORTUNATELY, THE PROVINCE TO DATE HAS NOT DEVELOPED THROUGH STATUTORY PROVISIONS OR REGULATIONS, PURSUANT TO SECTION 72 OF THE POLICE ACT, STANDARDS FOR POLICING BY MUNICIPAL POLICE DEPARTMENTS AND THE ONTARIO PROVINCIAL POLICE WHICH WOULD REGULATE THE FINANCIAL AND MAN-POWER REQUIREMENTS OF POLICE FORCES BASED ON CHARACTER OF A REGION AND/OR INDIVIDUAL COMMUNITY, SIZE AND DENSITY OF POPULATION, URBAN-RURAL MIX AND OTHER CRITERIA SUCH AS COMMUNICATIONS, INDUSTRIALIZATION, CONCENTRATION OF HIGHRISE BUILDINGS, NON-RESIDENT PROPERTIES AND ENTERTAINMENT ESTABLISHMENTS; RESIDENT AND NON-RESIDENT LABOUR MIX AND LAST BUT NOT LEAST THE INFLUX OF TOURISTS AND OTHER NON-RESIDENTS FOR TEMPORARY STAY WITHIN THE MUNICIPALITY.

IN TIMES OF CRITICAL COST ESCALATION FOR POLICING AND WITH A VIEW OF REALIZING ECONOMIES WITHOUT DIMINISHING THE EFFICIENCY AND EFFECTIVENESS OF THE LAW ENFORCEMENT AND THE PREVENTION OF CRIME, SERIOUS CONSIDERATION SHOULD NOW BE GIVEN TO ELIMINATE THE USE OF POLICE OFFICERS IN THE PERFORMANCE OF TASKS THAT CAN BE DONE BY CIVILIAN EMPLOYEES WITHIN THE ORGANIZATION OF THE POLICE FORCE. THESE WOULD INCLUDE CUSTODIAL AND SECURITY SERVICES IN COURTS AND OTHER PUBLIC BUILDINGS, COMMUNICATIONS (INCLUDING C.P.I.C. AND COMPUTER TERMINALS), DISPATCHING, TRANSPORTATION, ACCOUNTING, COURT LIASON, STORES AND SUPPLIES, RECORDS MANAGEMENT AND ALL CLERICAL FUNCTIONS SUCH AS TELEPHONE OPERATORS, RECEPTIONISTS, COMPLAINT RECORDERS, ETC.

IN FEBRUARY, 1975, THE ONTARIO POLICE COMMISSION CREATED WITHIN ITS' ORGANIZATION AN ADMINISTRATIVE TECHNOLOGY SECTION UNDER THE DIRECTION AND SUPERVISION OF MR. S.C. FAIRWEATHER, GOVERNMENT SYSTEMS CONSULTANT AND CIVILIAN ADVISOR ON POLICE

SERVICES WITHIN THE COMMISSION SINCE ITS' INCEPTION, THE SECTION IN CLOSE CO-OPERATION WITH THE COMMISSION ADVISORS ON POLICE SERVICES, HAS DEVELOPED FOR ALL MUNICIPAL POLICE FORCES A RECORDS MANAGEMENT PROGRAM; BUDGET AND RESOURCES INFORMATION SYSTEM; CRITERIA FOR WORKLOAD ANALYSIS AND PATROL DEPLOYMENT STUDIES; STANDARD RULES, REGULATIONS AND PROCEDURES FOR MUNICIPAL POLICE FORCE MANAGEMENT AND OTHER GUIDELINES RELATING TO A DAY-TO-DAY OPERATION OF MUNICIPAL POLICE FORCES.

A TEAM COMPRISED OF A CIVILIAN SYSTEMS ADVISOR AND POLICE SERVICES ADVISORS CONDUCTED IN 1976 AND 1977, A NUMBER OF IN-DEPTH STUDIES OF ONE REGIONAL AND THREE CITY POLICE DEPARTMENTS. THESE STUDIES COVERED THE ORGANIZATION OF THE DEPARTMENTS, DE-PLOYMENT OF STAFF, WORKLOAD ANALYSIS, FINANCIAL ASPECTS AND ADMINISTRATIVE SYSTEMS. IN EACH INSTANCE, IMPLEMENTATION OF APPROPRIATE RECOMMENDATIONS OF THE STUDY GROUP WOULD RESULT IN QUITE SUBSTANTIAL REDUCTIONS OF POLICE MAN-POWER, EXTENSION OF THE USE OF CIVILIAN STAFF AND SIGNIFICANT SAVINGS IN OPERATIONAL COSTS.

THESE ACTIVITIES OF THE ONTARIO POLICE COMMISSION WERE SUBSTANTIALLY CURTAILED BY REASON OF BUDGETARY CONSTRAINTS IN 1976/77 AND 1977/78 AND THE CURRENT FISCAL YEAR. THE ORIGINAL REQUIREMENT OF BUDGETARY FUNDS FOR 1975/76 IN THE AMOUNT OF \$65,000 WAS REDUCED IN 1976/77 TO THE AMOUNT OF \$15,000 WHICH IS INADEQUATE FOR THE CONTINUATION OF THE SINGLE PROGRAM OF ASSEMBLING AND DISTRIBUTING THE BUDGET AND RESOURCES INFORMATION RELATING TO MUNICIPAL POLICE DEPARTMENTS, ON AN ANNUAL BASIS.

CLAUSE (n) OF SUBSECTION 1 OF SECTION 72 OF THE POLICE ACT PROVIDES THAT THE LIEUTENANT GOVERNOR IN COUNCIL MAY MAKE REGULATIONS "(n) PRESCRIBING THE RECORDS, RETURNS, BOOKS AND ACCOUNTS TO BE KEPT AND MADE BY POLICE FORCES AND MEMBERS THEREOF". SUCH REGULATION HAS NOT BEEN MADE TO DATE AND SEVERAL MUNICIPAL DEPARTMENTS DO NOT FEEL OBLIGED TO PROVIDE ADMINISTRATIVE AND FINANCIAL INFORMATION TO THE COMMISSION ON REQUEST. THERE IS NO PROVISION IN THE POLICE ACT WHICH WOULD COMPEL SUCH DEPARTMENTS TO COMPLY WITH OR EVEN TO REPLY TO THE COMMISSION'S RECOMMENDATIONS ARISING FROM INSPECTIONS.

IN ORDER TO SECURE STANDARDS, EFFECIENCY, EFFECTIVENESS AND ECONOMIES IN THE DAY-TO-DAY OPERATIONS OF MUNICIPAL POLICE DEPARTMENTS IT WOULD BE ADVISABLE THAT THE ONTARIO POLICE COMMISSION CONCENTRATE ENTIRELY ON ITS' FUNCTIONS AND RESPONSIBILITIES IN RELATION TO MUNICIPAL POLICE GOVERNING AUTHORITIES INCLUDING FINANCING OF POLICE DEPARTMENTS; RETAIN ITS' PUBLIC RELATIONS AND ADVISORY RESPONSIBILITIES TOWARDS MUNICIPAL POLICE FORCES AND CONTINUE ITS' FUNCTIONS AS A POLICE TRIBUNAL.

IN ORDER TO BE EFFECTIVE, POLICE FORCES ARE ORGANIZED IN A FORM OF A PARA-MILITARY ORGANIZATION WHICH DOES NOT LEND ITSELF TO THE DIRECT ADMINISTRATION, CO-ORDINATION AND SUPERVISION BY A COMMITTEE-TYPE EXECUTIVE AUTHORITY.

THE EXECUTIVE SUPERVISION OF THE INTERNAL ORGANIZATION, OPERATIONS AND ADMINISTRATION OF POLICE FORCES SHOULD REST IN THE HANDS OF A SKILLED AND EXPERIENCED PROFESSIONAL WITH PROGRESSIVE IDEAS AND CONVICTIONS WHICH WOULD COMMAND RESPECT AND RECOGNITION OF HIS AUTHORITY BY MEMBERS OF POLICE DEPARTMENTS.

IT IS SUGGESTED THAT AN "INSPECTOR GENERAL OF MUNICIPAL POLICING OF ONTARIO" BE APPOINTED. THIS NEW POSITION SHOULD BENEFIT FROM THE SAME STATUS AS THAT OF THE COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE. THE OFFICE OF THE INSPECTOR GENERAL SHOULD INCLUDE A POLICE INSPECTION BRANCH, POLICE MANAGEMENT AND RESEARCH BRANCH, EQUIPMENT TECHNOLOGY BRANCH AND A MUNICIPAL POLICING STANDARDS AND INVESTIGATIONS BRANCH.

MOST OF THE SENIOR STAFF OF THIS OFFICE SHOULD BE DRAWN FROM MUNICIPAL AND ONTARIO PROVINCIAL POLICE FORCES ON A MAXIMUM TWO YEAR SECONDMENT BASIS. LEGAL SERVICES TO THE OFFICE OF THE INSPECTOR GENERAL SHOULD BE PROVIDED BY THE MINISTRY OF THE ATTORNEY GENERAL THROUGH THE SENIOR COUNSEL ASSIGNED TO THE MINISTRY OF THE SOLICITOR GENERAL. THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF THE INSPECTOR GENERAL SHOULD INCLUDE:-

- (1) DEVELOPMENT OF MUNICIPAL POLICING STANDARDS IN ONTARIO IN CLOSE CO-OPERATION WITH THE ONTARIO PROVINCIAL POLICE.
- (2) DEVELOPMENT OF REGULATIONS GOVERNING THE APPOINTMENT AND PROMOTION OF MUNICIPAL POLICE OFFICERS.
- (3) SUPERVISION OF POLICE TRAINING.
- (4) DEVELOPMENT AND ENFORCEMENT OF GUIDELINES REGULATING THE EMPLOYMENT OF SECURITY GUARDS AND OTHER CIVILIAN STAFF WITHIN THE ORGANIZATION OF MUNICIPAL POLICE DEPARTMENTS.
- (5) SUBJECT TO THE DIRECTION OF THE ONTARIO POLICE COMMISSION, CONDUCTING INQUIRIES AND INVESTIGATIONS ON MATTERS OF ALLEGED MISMANAGEMENT IN MUNICIPAL POLICE DEPARTMENTS AND/OR MIS-CONDUCT OF POLICE OFFICERS OR OTHER MEMBERS OF POLICE DEPARTMENTS.
- (6) CONDUCT OF STUDIES IN, AND INSPECTIONS OF, MUNICIPAL POLICE DEPARTMENTS.
- (7) DEVELOPMENT AND CONTROL OF POLICE COMMUNICATION SYSTEMS INCLUDING CO-ORDINATION OF SUCH SYSTEMS WITH THE ONTARIO PROVINCIAL POLICE FORCE.
- (8) CO-ORDINATION OF INTELLIGENCE BETWEEN THE ONTARIO PROVINCIAL POLICE AND MUNICIPAL POLICE DEPARTMENTS.
- (9) ANY OTHER MATTER OF MANAGERIAL OR ADMINISTRATIVE NATURE AFFECTING THE OPERATIONS OF MUNICIPAL POLICE DEPARTMENTS.

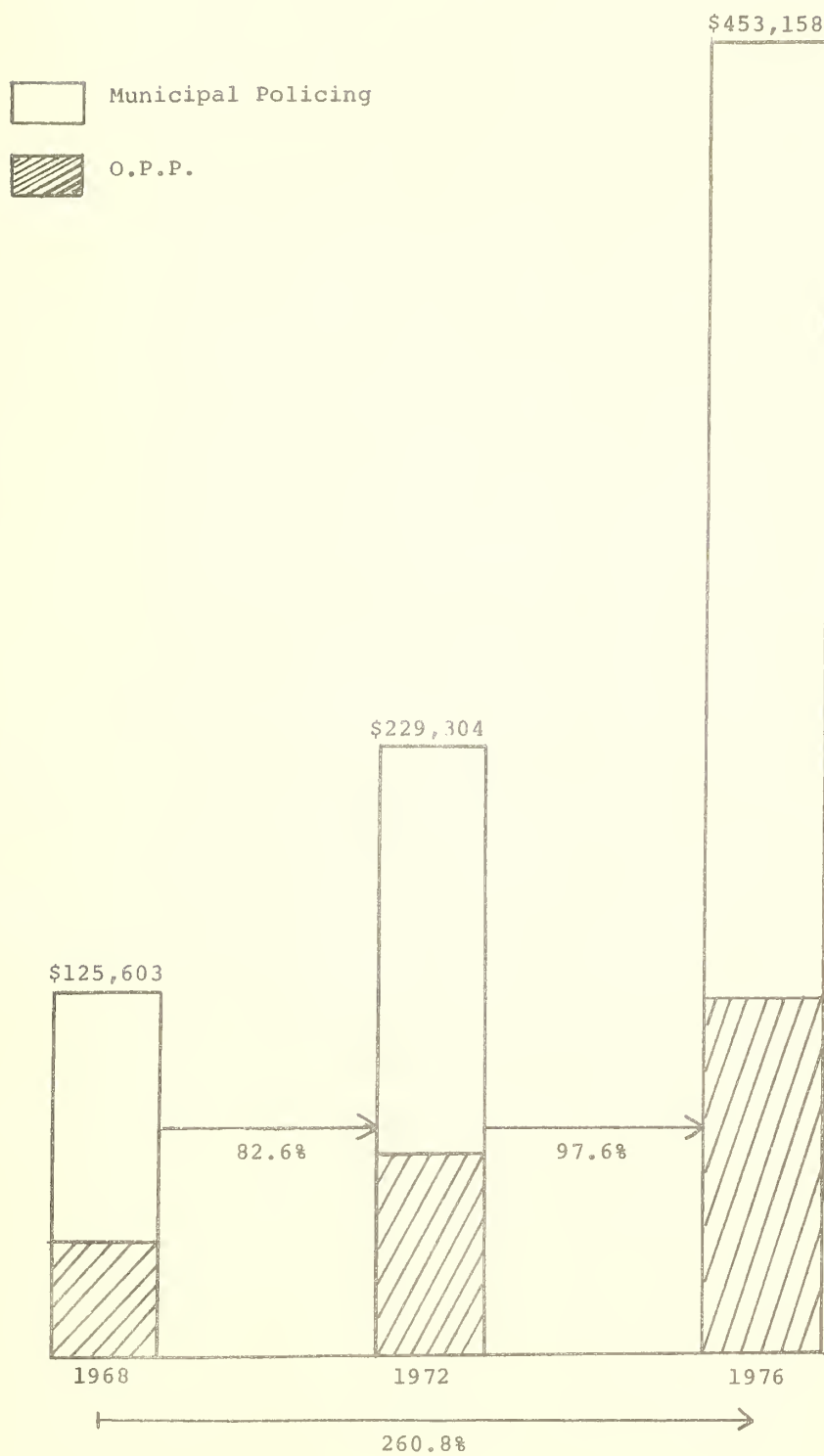
THE CONCEPT OF "INSPECTOR GENERAL OF MUNICIPAL POLICE FORCES" HAS BEEN BASED ON BRITISH EXPERIENCE. THE USEFULNESS AND EFFECTIVENESS OF SUCH OFFICE HAS BEEN CONFIRMED BY A NUMBER OF ROYAL COMMISSIONS INQUIRING INTO POLICE SERVICES IN ENGLAND.

TOTAL EXPENDITURES ON ONTARIO POLICING SERVICES

TABLE IV

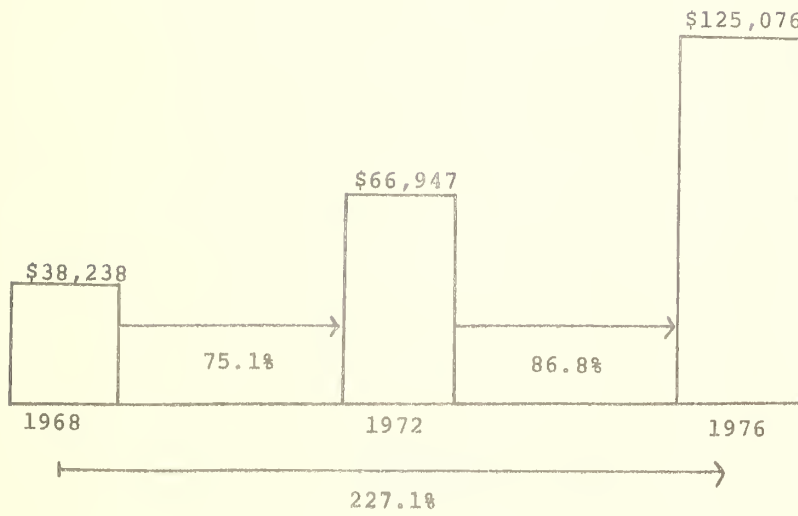
1968-1976

(\$000)



ONTARIO PROVINCIAL POLICE EXPENDITURES
1968-1976
(\$000)

TABLE V

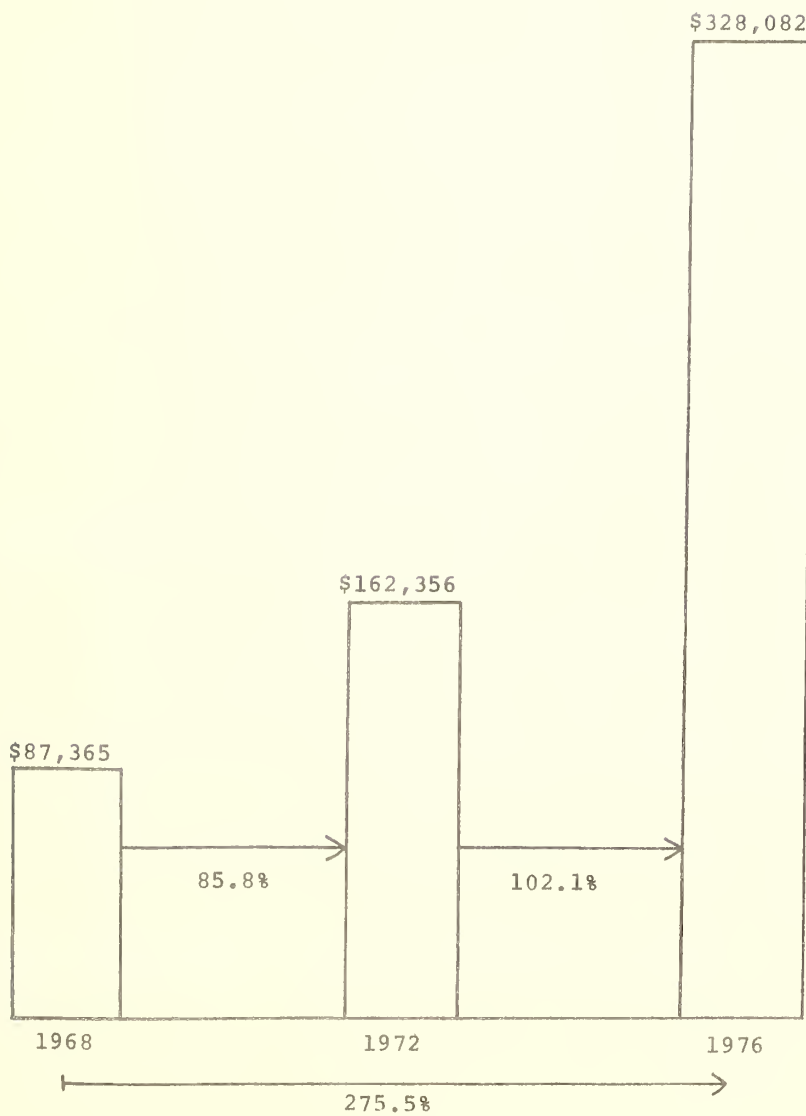


EXPENDITURES ON ONTARIO MUNICIPAL POLICING SERVICES

TABLE VI

1968-1976

(\$000)

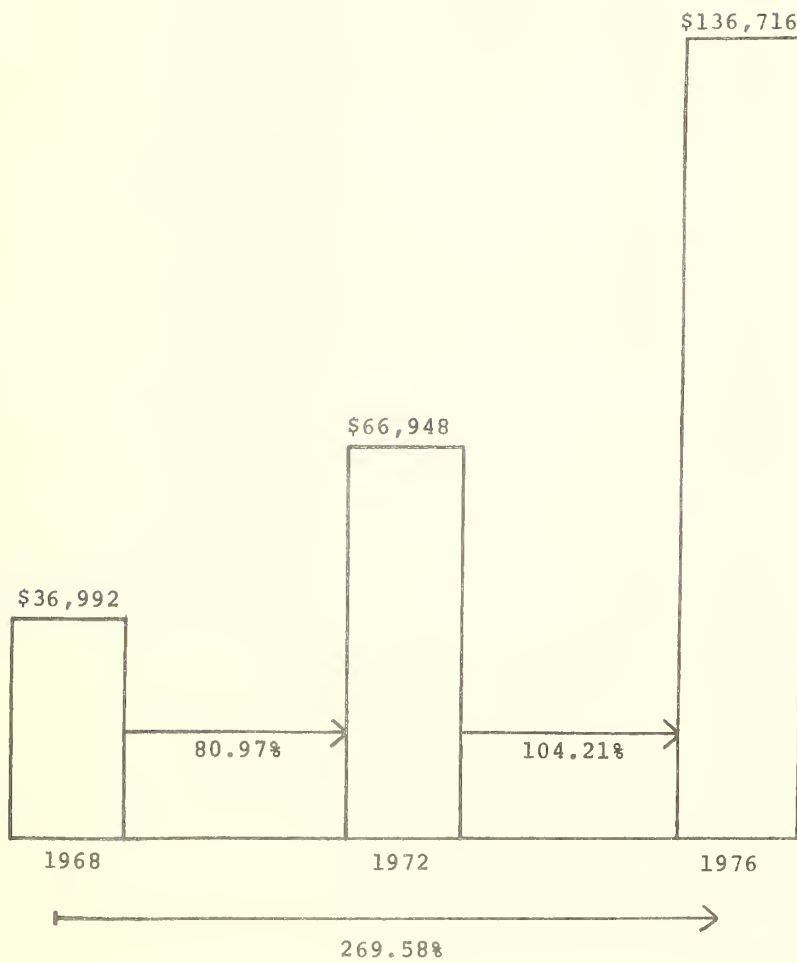


METROPOLITAN TORONTO POLICING EXPENDITURES (X)

TABLE VII

1968-1976

(\$000)

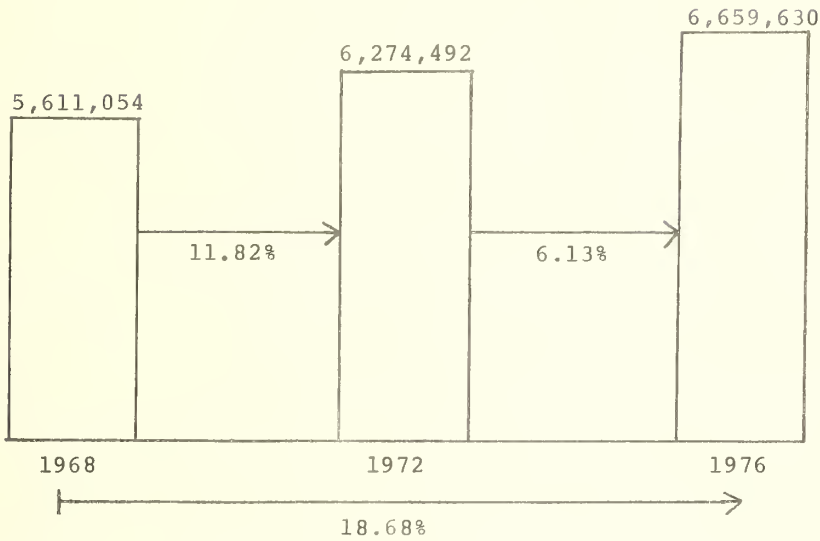


(X) Included in Expenditures on Ontario Municipal Policing Services.

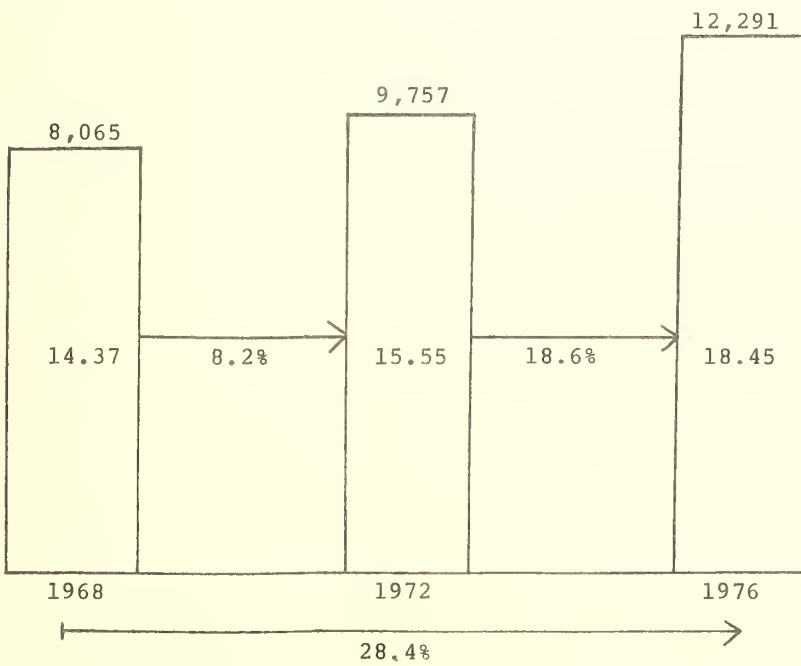
MAJOR CAUSES OF MUNICIPAL POLICE
EXPENDITURE INCREASES

TABLE VIII

(b) INCREASES IN POPULATION POLICED BY
MUNICIPAL POLICE DEPARTMENTS



(c) INCREASE IN NUMBER OF MUNICIPAL POLICE OFFICERS
PER 10,000 OF POPULATION



MAJOR CAUSES OF MUNICIPAL POLICE

TABLE IX

EXPENDITURE INCREASES

(a) SALARY INCREASES 1968 - 1976

Representative Salaries

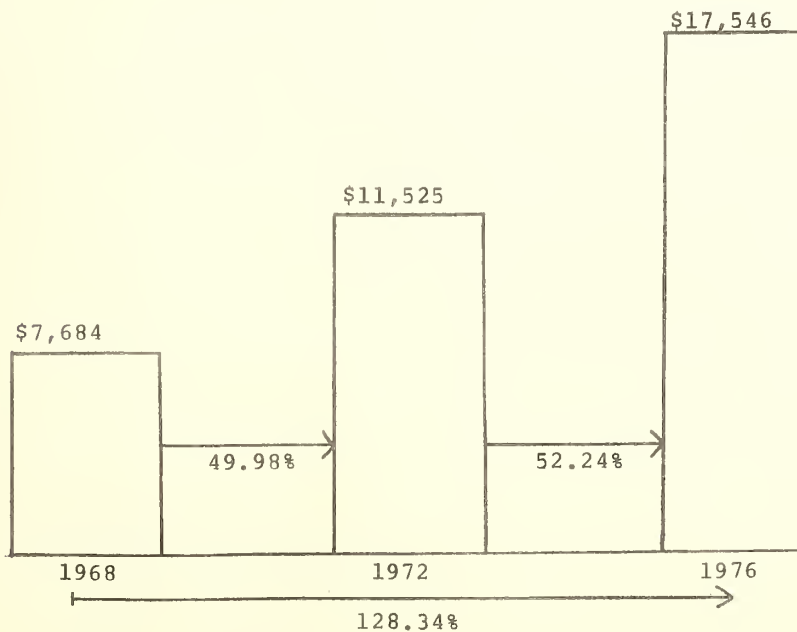
1st Class Constable

POLICE DEPARTMENT	1968	1972	1976	% INCREASE 1968-1976	% INCREASE 1968-1972	% INCREASE 1972-1976
METRO TORONTO	7,924	11,665	17,780	124.38	47.21	52.42
OTTAWA	7,255	11,566	17,301	138.47	59.42	49.58
LONDON	7,775	11,180	17,035	119.09	43.79	52.37
WINDSOR	7,300	11,644	17,419	138.61	59.50	49.59
HALTON	7,508	11,658	17,499	133.07	55.27	50.10
GUELPH	7,500	11,400	17,350	131.33	52.00	52.19
THUNDER BAY	7,400	11,150	17,160	131.89	50.67	53.90
HAMILTON - WENTWORTH	7,590	11,672	17,772	134.15	53.78	52.26
KENORA	6,997	10,000	16,662	138.13	42.91	66.62
COLLINGWOOD	6,900	10,525	16,150	134.05	52.53	53.44
WEIGHTED AVERAGE	7,684	11,525	17,546	128.34	49.98	52.24

ANNUAL AVERAGE INCREASES:

1968 - 1972 - 10.7%

1972 - 1976 - 11.1%



MUNICIPAL POLICE DEPARTMENTS OF ONTARIO
COST ANALYSIS 1976, 1977 AND 1978

TABLE X

SUMMARY

MUNICIPAL POLICE DEPARTMENTS	ACTUAL EXPENDITURE 1976	BUDGET 1977	ACTUAL EXPENDITURE 1977	% COLUMN 4 OF 2	BUDGET 1978	% COLUMN 6 OF 4	% COLUMN 6 OF 3
1	2	3	4	5	6	7	8
METRO TORONTO	136,715,602	152,702,687	152,218,808	+11.3	165,841,494	+ 8.9	+ 8.6
REGIONAL POLICE DEPARTMENTS							
250,000 - 500,000	59,652,899	66,835,054	64,873,737	+ 8.8	72,242,764	+11.4	+ 8.1
100,000 - 250,000	29,007,147	32,761,390	32,209,043	+11.0	35,709,275	+10.9	+ 9.0
15,000 - 50,000	2,155,330	2,708,057	2,677,680	+24.2	2,468,920	- 8.5	- 9.7
SUB-TOTAL	227,530,978	255,007,188	251,979,268	+10.7	276,262,453	+ 9.6	+ 8.3
NON-REGIONAL POLICE DEPARTMENTS							
250,000 - 500,000	16,907,798	18,896,900	17,895,346	+ 5.8	19,194,302	+ 7.3	+ 1.6
100,000 - 250,000	25,278,320	26,675,611	26,531,884	+ 5.0	28,218,382	+ 6.4	+ 5.8
50,000 - 100,000	23,873,359	25,030,880	24,870,687	+ 4.2	27,359,432	+10.0	+ 9.3
15,000 - 50,000	15,774,966	17,205,197	16,842,517	+ 6.8	18,104,870	+ 7.5	+ 5.2
10,000 - 15,000	5,934,999	6,708,531	6,697,395	+12.8	7,196,250	+ 7.4	+ 7.3
5,000 - 10,000	7,718,067	8,728,499	8,610,943	+11.6	9,671,540	+12.3	+10.8
0 - 5,000	5,063,255	5,554,203	5,500,592	+ 8.6	5,985,138	+ 8.8	+ 7.8
SUB-TOTAL	100,550,764	108,799,821	106,949,364	+ 6.4	115,729,914	+ 8.2	+ 6.4
TOTAL	328,081,742	363,807,009	358,928,632	+ 9.4	391,992,367	+ 9.2	+ 7.7

